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HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

YOUTH APPRECIATION WEEK, 1971—Presidential proclamation..... 21329

BUSINESS CREDIT AND ASSISTANCE—SBA revision of loan policy; effective 11-6-71..... 21332

COUNTERVAILING DUTY—Treasury Dept. amendment on sugar content of certain articles from Australia..... 21336

DRUGS—Justice Dept. rule to remove excepted status from amphetamine and methamphetamine combination products; effective 11-6-71..... 21336

EMPLOYMENT GRANTS—Labor Dept. regulations; effective 11-6-71..... 21337

RENEGOTIATION BOARD—Amendments regarding waiver of commercial exemption..... 21339

HAZARDOUS MATERIALS—

DoT amendments to specifications for tank cars (2 documents); effective 12-31-71..... 21339, 21343

DoT proposal on shipment of Class B propellant explosives; comments by 1-4-72..... 21360

MOTOR VEHICLE SAFETY—DoT amendments to tire and rim standards of passenger cars..... 21355

TRANSPORTATION OF HOUSEHOLD GOODS—ICC amendments on determination of weights.... 21358

AIR CARRIER STOCK OWNERSHIP—CAB proposal to define which shareholders are required to report; comments by 12-6-71..... 21361

SAVINGS AND LOAN SYSTEM—Federal Home Loan Bank Bd. proposal on mobile facilities; comments by 12-10-71..... 21363

(Continued inside)

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4	1939	14	16	1951	44	28	1963	50
5	1940	14	17	1952	41	29	1964	54
6	1941	21	18	1953	30	30	1965	58
7	1942	37	19	1954	37	31	1966	60
8	1943	53	20	1955	41	32	1967	69
9	1944	42	21	1956	42	33	1968	55
10	1945	47	22	1957	41	34	1969	62
11	1946	47	23	1958	41	35	1970	59
12	1947	24	24	1959	42			

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER or the CODE OF FEDERAL REGULATIONS.

ANTIDUMPING—Treasury Dept. notice on elemental sulphur from Mexico; requests for oral views within 10 days; comments within 30 days.. 21364

POSTAL SERVICE OBLIGATIONS—Treasury Dept. designation as exempt from Securities Exchange Act 21365

YELLOWTAIL FLOUNDER—Natl. Oceanic and Atmospheric Admin. closure of season in Sub-area 5 21366

CLOSING COSTS AND SETTLEMENT CHARGES—HUD notice of public participation in study; comments by 11-23-71..... 21371

LIFESAVING/FIREFIGHTING EQUIPMENT—Coast Guard notices (2 documents)..... 21371

WORKMEN'S COMPENSATION—

HEW proposal relating to reduction of disability insurance benefit; comments within 30 days.. 21360

Natl. Comm. on State Workmen's Compensation Laws announcement of public hearing in Washington, D.C., week of 1-24-72..... 21382

INTERSTATE COMMERCE COMMISSION—

Notice on revision of its procedures for handling restrictive amendments in certain cases; effective 1-3-72 21388

Contents

THE PRESIDENT

PROCLAMATION

Youth Appreciation Week, 1971... 21329

EXECUTIVE AGENCIES

AGRICULTURE DEPARTMENT

See also Consumer and Marketing Service.

Notices

Cave Run Dam and Reservoir, Ky.; joint order interchanging administrative jurisdiction; cross reference..... 21366

ARMY DEPARTMENT

Notices

Cave Run Dam and Reservoir, Ky.; joint order interchanging administrative jurisdiction..... 21365

CIVIL AERONAUTICS BOARD

Proposed Rule Making

Air carriers; reports of ownership of stock and other interests 21361

Notices

Hearings, etc.:

American Airlines, Inc..... 21372
Northeast Airlines, Inc..... 21373

COAST GUARD

Rules and Regulations

Drawbridge operations; Tensaw River, Ala..... 21359

Notices

Equipment, construction, and materials:

Approval notice..... 21371
Termination of approval notice 21371

COMMERCE DEPARTMENT

See also National Oceanic and Atmospheric Administration.

Notices

Bureau of Domestic Commerce; organization and functions..... 21366

Statements on proposed Federal actions affecting the environment; policies and procedures... 21368

CONSUMER AND MARKETING SERVICE

Rules and Regulations

Handling limitations:

Grapefruit grown in Florida (2 documents)..... 21331
Lemons grown in California and Arizona 21331

CUSTOMS BUREAU

Rules and Regulations

Liquidation duties; sugar content of certain articles from Australia 21335

Progreso, Tex.; designation as port of entry..... 21335

Notices

Elemental sulphur from Mexico; withholding of appraisement notice 21364

DEFENSE DEPARTMENT

See also Army Department.

Rules and Regulations

Personnel and civil defense; discontinuance of certain parts... 21339

FEDERAL COMMUNICATIONS COMMISSION

Notices

Common carrier services information; domestic public radio services applications accepted for filing 21374

FEDERAL HOME LOAN BANK BOARD

Proposed Rule Making

Federal Savings and Loan System; mobile facilities..... 21363

FEDERAL HOUSING ADMINISTRATION

Notices

Closing costs and settlement charges; public participation in study 21371

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

Algonquin Gas Transmission Co 21376
Cities Service Gas Co..... 21376
Cities Service Gas Co. et al..... 21377
Columbia Gulf Transmission Co 21377
Humble Oil & Refining Co..... 21378
Iowa Power and Light Co..... 21378
Mississippi River Transmission Corp. and Texas Gas Transmission Corp..... 21379
Montana-Dakota Utilities Co... 21379
Natural Gas Pipeline Company of America..... 21380
Northern States Power Co..... 21380
Tennessee Natural Gas Lines, Inc 21380
Texas Gas Transmission Corp... 21380

(Continued on next page)

FEDERAL RESERVE SYSTEM**Notices**

- Application for approval of acquisition of shares of banks:
 American Bancorporation, Inc. 21381
 Jacob Schmidt Co. 21382
 BTNB Corp.; proposed acquisition of Cobbs, Allen & Hall Mortgage Co., Inc. 21382
 Carlton Agency, Inc.; proposed acquisition of First National Bank Insurance Agency 21382

HAZARDOUS MATERIALS REGULATIONS BOARD**Rules and Regulations**

- Shippers; specifications for tank cars (2 documents) 21339, 21343

Proposed Rule Making

- Transportation of hazardous materials; Class B propellant explosives in fiber drums 21360

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Social Security Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Housing Administration.

INTERIOR DEPARTMENT

See Land Management Bureau.

INTERNAL REVENUE SERVICE**Notices**

- Granting of relief regarding firearms acquisition, shipment, possession, etc. 21364

INTERSTATE COMMERCE COMMISSION**Rules and Regulations**

- Transportation of household goods; determination of weights 21358

Notices

- Assignments of hearings (2 documents) 21385
 Chesapeake and Ohio Railway Co.; rerouting or diversion of traffic 21389
 Fourth section application for relief 21385

Motor carriers:

- Temporary authority applications 21385
 Transfer proceedings (2 documents) 21387, 21388
 Requests for revocation of certificates:
 Burlington Northern Inc. 21388
 Northern Pacific Transport Co. 21389
 Restrictive amendments in cases assigned for oral hearing; procedures 21388

JUSTICE DEPARTMENT

See Narcotics and Dangerous Drugs Bureau.

LABOR DEPARTMENT

See also Manpower Administration.

Rules and Regulations

- Grants under the Emergency Employment Act of 1971; Secretary's discretionary authority 21337

LAND MANAGEMENT BUREAU**Notices**

- California; delegation of authority regarding contracts and leases 21366

MANPOWER ADMINISTRATION**Notices**

- Emergency employment assistance; determinations of allocations 21384

NARCOTICS AND DANGEROUS DRUGS BUREAU**Rules and Regulations**

- Amphetamine and methamphetamine combination products; removal of exceptions 21336

NATIONAL COMMISSION ON STATE WORKMEN'S COMPENSATION LAWS**Notices**

- State workmen's compensation laws; preliminary notice of public hearing 21382

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**Rules and Regulations**

- Motor vehicle safety standards; new pneumatic tires and tire selection and rims for passenger cars 21355

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**Notices**

- Groundfish fisheries; closure of season 21366

RENEGOTIATION BOARD**Rules and Regulations**

- Mandatory exemption of contracts and subcontracts for standard commercial articles or services; waiver of commercial exemption 21330

SECRET SERVICE**Rules and Regulations**

- Illustration of U.S. Savings Bonds for publicity purposes 21338

SMALL BUSINESS ADMINISTRATION**Rules and Regulations**

- Loan policy 21332

Notices

- Declaration of disaster loan areas:
 Colorado 21383
 Kansas 21383
 Montana 21383
 Texas 21383
 Virginia 21383

SOCIAL SECURITY ADMINISTRATION**Proposed Rule Making**

- Federal old-age, survivors, and disability insurance; reduction of disability benefit based on receipt of workmen's compensation 21360

TRANSPORTATION DEPARTMENT

See Coast Guard; Hazardous Materials Regulations Board; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See also Customs Bureau; Internal Revenue Service; Secret Service.

Notices

- Certain plastic fasteners; tariff classification 21364
 Postal Service; designation of instruments for exemption under Securities Exchange Act of 1934 21365

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

3 CFR	19 CFR	32 CFR
PROCLAMATION:	1----- 21335	61----- 21339
4091----- 21329	16----- 21336	65----- 21339
7 CFR	20 CFR	78----- 21339
910----- 21331	PROPOSED RULES:	141----- 21339
912----- 21331	404----- 21360	187----- 21339
913----- 21331		1467----- 21339
12 CFR	21 CFR	33 CFR
PROPOSED RULES:	308----- 21336	117----- 21359
545----- 21363		49 CFR
13 CFR	29 CFR	173 (2 documents)----- 21339, 21343
120----- 21332	55----- 21337	179 (2 documents)----- 21339, 21343
14 CFR	31 CFR	571----- 21355
PROPOSED RULES:	405----- 21338	1056----- 21358
245----- 21361		PROPOSED RULES:
		173----- 21360

Presidential Documents

Title 3—The President

PROCLAMATION 4091

Youth Appreciation Week, 1971

By the President of the United States of America

A Proclamation

Oliver Wendell Holmes, Jr. once said: "I think that, as life is action and passion, it is required of a man that he should share the passion and action of his time at peril of being judged not to have lived."

We can be proud of the extent to which our young men and women today are playing an active role in the continuing growth of our Nation. In organizations as diverse as student governments, vocational education, civic, social, business, religious and social action groups, these young citizens are learning the ideals of America by putting them into practice.

Hard work, cooperation, patriotism, and individual excellence—all of these come to be cherished by those who participate constructively in this building of America. And often this learning has expanded the ideals and conscience of America, refreshing our spirit.

As we move into the third century of our republic, the mantle of responsibility and leadership will be passed to this generation of Americans. I am convinced that the youth of today will wear that mantle proudly, carry out the responsibilities of adulthood and leadership with conviction and concern for their fellow man, and reflect great credit on their country.

In recognition of the national resource America's youth represents, and to promote greater understanding between our generations, the Congress by a joint resolution approved July 2, 1971 (Public Law 92-43), designated the seven-day period beginning November 8, 1971, as Youth Appreciation Week, and requested the President to issue a proclamation calling for the observance of that week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby call upon the people of the United States to observe the week of November 8 through November 14, 1971, as Youth Appreciation Week with appropriate ceremonies and activities.

I ask the education and social service professions, the communications media, and all other interested persons and groups to unite during the appointed week in public recognition of the youth of this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of November, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-sixth.



[FR Doc. 71-16396 Filed 11-5-71; 12:19 pm]

FEDERAL REGISTER, VOL. 36, NO. 215—SATURDAY, NOVEMBER 6, 1971

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 506]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.806 Lemon Regulation 506.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective

during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 2, 1971.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period November 7, 1971, through November 13, 1971, is hereby fixed at 160,000 cartons. (2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 4, 1971.

ARTHUR E. BROWNE,
Acting Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[FR Doc.71-16345 Filed 11-5-71;8:51 am]

[Grapefruit Reg. 80]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.380 Grapefruit Regulation 80.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions

hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 4, 1971.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period November 8, 1971, through November 14, 1971, is hereby fixed at 118,750 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 5, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and
Vegetable Division, Consumer
and Marketing Service.

[FR Doc.71-16395 Filed 11-5-71;12:05 pm]

[Grapefruit Reg. 50]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.350 Grapefruit Regulation 50.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under

said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as herein-after provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 3, 1971.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period November 8, 1971, through November 14, 1971, is hereby fixed at 212,500 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 4, 1971.

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-16309 Filed 11-5-71;8:51 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 5]

PART 120—LOAN POLICY

On August 25, 1971, a notice was published in the FEDERAL REGISTER of the intention by the Small Business Administration to comply with the public participation provisions of the Administrative Procedure Act, notwithstanding the exemption given by said Act for matters relating to certain agency activities, including loan making, 5 U.S.C. 553 (36 F.R. 16716). However, prior to August 25, 1971, SBA had modified or revised certain of the loan policies published in Revision 4 of Part 120 (35 F.R. 16163); a number of the revisions were required by the enactment of the Disaster Relief Act of 1970, Public Law 91-606, December 31, 1970. Therefore, it would be impracticable and contrary to the public interest to further delay effective publication of these revised loan policies. Nevertheless, we would welcome and consider the comment of any person on the policies published herein. Send the comment to Jack Eachon, Jr., Associate Administrator for Financial Assistance, Room 801, 1441 L Street NW., Washington, DC 20416. This revision is effective upon publication in the FEDERAL REGISTER (11-6-71).

Sec.

120.1 Introduction.

120.2 Business loans and guarantees.

120.3 Terms and conditions of business loans and guarantees.

120.4 Disaster loans for physical property loss, or for substantial economic injury as a result of major or natural disasters, or inability to process or market a product because of diseases or toxicity through natural or undetermined causes.

120.5 Displaced Business, Coal Mine Health and Safety, Consumer Protection, and Occupational Safety and Health Loans.

AUTHORITY: The provisions of this Part 120 issued under 72 Stat. 387, as amended, 15 U.S.C. 636; sec. 5, 72 Stat. 385, 15 U.S.C. 634(b) (6).

§ 120.1 Introduction.

(a) This part is established by the SBA to set forth principles and policies which will be followed in the granting and denial of financial assistance. Financial assistance includes business loans to small business concerns and loans for disaster relief to individuals, business concerns, and other organizations. It is not intended that this general statement of policy provide answers to all questions which may arise in connection with specific applications.

(b) "Financial assistance" as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(c) "Financial institutions" as used in this part shall include, but not be limited to, banks and other concerns whose regular course of business entails the making of commercial and industrial loans to the general public.

§ 120.2 Business loans and guarantees.

Basic principles governing the granting and denial of applications for financial assistance:

(a) Applications for financial assistance may be considered only when there is evidence that the desired credit is not otherwise available on reasonable terms. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms, unless it is satisfactorily demonstrated that:

(1) Proof of refusal of the required financial assistance has been obtained from—

(i) The applicant's bank of account;

(ii) If the amount of financial assistance applied for is in excess of the legal lending limit of the applicant's bank or in excess of the amount that the bank normally lends to any one borrower, then a refusal from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the financial assistance applied for; and

(iii) Not less than two banks in cities where the population exceeds 200,000.

Proof of refusal must contain the date, amount and terms requested, and the reasons for not granting the desired credit. Bank refusals to advance credit should not be considered the full test of unavailability of credit and, where there is knowledge of reasons to believe that credit is otherwise available on reasonable terms from sources other than such banks, the financial assistance applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

(2) The financial assistance required does not appear to be obtainable:

(i) On reasonable terms through the public offering or private placing of securities of the applicant;

(ii) Through the disposal at a fair price of assets not required by the applicant in the conduct of its existing business or not reasonably necessary to its potential healthy growth; and

(iii) Without undue hardship through utilization of the personal credit or resources of the owner, partners, management, or principal shareholders of the applicant;

(iv) Through other applicable Government financing.

(b) It is the policy to stimulate and encourage loans by banks and other lending institutions.

(1) An applicant for a direct SBA loan must show that an immediate participation or guaranteed loan is not available. An applicant for an immediate participation loan must show that a guaranteed loan is not available.

(2) SBA's share of immediate participation loans shall not exceed 75 percent of the loan. Exceptions may be

made in cases when the participant's legal lending limit precludes a 25-percent participation. In such cases the participant will be required to share in the loan to the extent of its legal lending limit but in no event less than 10 percent. In guaranteed loans the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(3) No agreement to extend financial assistance under the Small Business Act shall establish any preferences in favor of a bank or other lending institution.

(c) Assurance of repayment, and change of ownership.

(1) No financial assistance shall be extended unless there exists reasonable assurance that the loan can and will be repaid pursuant to its terms. Reasonable assurance of repayment will exist only where the past earnings record and future prospects indicate ability to repay the loan and other obligations. It will be deemed not to exist when the proposed loan is to accomplish an expansion which is unwarranted in the light of the applicant's past experience and management ability, or when the effect of making the loan is to subsidize inferior management.

(2) Where the purpose of the loan application is to effect a change in the ownership of the applicant small business concern, the loan may usually be approved where there is a reasonable justification for the change in ownership on the ground that the change will promote the sound development or preserve the existence of a small business concern; or will contribute to a well-balanced national economy by facilitating ownership of small business concerns by persons whose participation in the free enterprise system has been prevented or hampered because of economic, physical, or social disadvantages, or because of disadvantages in the business or residential locations.

(d) Financial assistance will not be granted by SBA:

(1) If the direct or indirect purpose or result of granting such assistance would be to—

(i) Pay off a creditor or creditors of the applicant who are inadequately secured and are in position to sustain a loss.

(ii) Provide funds, directly or indirectly, for payment, distribution, or as a loan to owners, partners, or shareholders of the applicant which do not change ownership interests in applicant. This shall not apply to ordinary compensation for services rendered.

(iii) Refund a debt owed to a Small Business Investment Company.

(iv) Replenish funds theretofore used for such purposes.

(2) If the financial assistance will provide or free funds for speculation in any kind of property, real or personal, tangible or intangible;

(3) If the applicant is an eleemosynary institution or other nonprofit enterprise: *Provided, however,* That this provision shall not be construed to bar financial

assistance to a cooperative if it carries on a business activity and the purpose of such activity is to obtain pecuniary benefit for its members in the operation of their otherwise eligible small business concerns.

(4) If the purpose of the financial assistance is to finance the construction, acquisition, conversion, or operation of recreational or amusement facilities, unless such facilities contribute to the health or general well-being of the public;

(5) If the applicant is a newspaper, magazine, book publishing company, radio broadcasting company, television broadcasting company, film production company, or similar enterprise;

(6) If any part of the gross income of the applicant (or of any of its principal owners) is derived from gambling activities;

(7) If the financial assistance is to provide funds to an enterprise primarily engaged in the business of lending or investments or to any otherwise eligible enterprise for the purpose of financing investments not related or essential to the enterprise;

(8) If the purpose of the financial assistance is to finance the acquisition, construction, improvement, or operation of real property which is, or is to be, held primarily for sale or investment;

(9) If the effect of the granting of the financial assistance will be to encourage monopoly or will be inconsistent with the accepted standards of the American system of free competitive enterprise;

(10) Generally, if the financial assistance would be used primarily in a farming or other agricultural activity;

(11) Generally, if the financial assistance to be provided is for use in multi-level sales distribution plans.

§ 120.3 Terms and conditions of business loans and guarantees.

(a) *Maturities.* The maturity of business loans made under the Small Business Act shall be restricted to the minimum consistent with sound business practice. The maturity may not exceed 10 years, except that such portion of a loan made for the purpose of constructing facilities may have a maturity not in excess of 15 years.

(b) *Charges and interest rates—*(1) *Charges.* In guaranteed loans (those made by a financial institution with which SBA has entered into an agreement to guarantee as set forth in the Part 122 of this chapter), a guaranty charge shall be payable by the financial institution to SBA for such agreement. The guaranty charge shall be one-fourth of 1 percent per annum of the portion of the loan which SBA has guaranteed.

(2) *Interest.* (i) Except as provided in subdivision (iii) of this subparagraph, interest on SBA's share of immediate participation loans shall not exceed 5½ percent per annum and where the rate of interest on the share of the loan of the bank or other financial institution is less than 5½ percent per annum then the rate of SBA's share of the loan shall be

at the same rate, but not less than 5 percent per annum. Subject to the approval of SBA, a participating financial institution may establish such rate of interest on its share of a loan as shall be legal and reasonable. Subject to the above guidelines, lending institutions may be given the option of utilizing a fluctuating rate of interest.

(ii) *Direct loans:* Except as provided in subdivision (iii) of this subparagraph, interest on all direct loans which may be made by SBA shall be at the rate of 5½ percent per annum except as may be otherwise required by reason of the provisions of the Servicemen's Readjustment Act of 1944, as amended.

(iii) *Interest on SBA's share of financial assistance,* which may be extended to Group Corporations shall be at the rate of 5 percent per annum. Subject to the approval of SBA, financial institutions may establish such rate of interest on their share of participation or guaranteed loans as shall be legal and reasonable.

(iv) Except as provided in subdivision (iii) of this subparagraph, the interest rate on guaranteed loans, subject to the approval of SBA, may be established by the participating financial institution at a rate that shall be legal and reasonable. Subject to the above guidelines, lending institutions may be given the option of utilizing a fluctuating rate of interest. When purchased by SBA, the rate of interest to the borrower on SBA's share of the loan shall be 5½ percent per annum, except where the rate of interest on the share of the loan of the financial institution is less than 5½ percent per annum then the rate on SBA's share of the loan shall be at the same rate, but not less than 5 percent per annum. When SBA purchases its guaranteed share, its payment to the guaranteed participant of accrued interest to the date of purchase shall be at the interest rate established by participant but shall not exceed an effective rate of interest of 8 percent per annum, and without any future adjustment for any unpaid accrued interest in excess of 8 percent per annum.

(v) The interest which a financial institution pays SBA for temporary advances under the liquidity privilege in a guaranty loan agreement varies according to the approval date of SBA's guaranty on a given loan.

(vi) From time to time SBA may publish in the FEDERAL REGISTER notices of the maximum rates acceptable to SBA under the immediate participation and guaranty programs.

(3) *Service fees.* In immediate participation loans, and guaranteed loans where SBA has purchased its portion, made and serviced by a financial institution, the financial institution may deduct a service fee only out of interest collected for the account of SBA so long as the bank is servicing the loan: *And provided,* That such fee shall not be added to any amount which borrower is obligated to pay under the loan. Where SBA's share of the loan is 75 percent or less, the service fee shall be three-eighths of 1

percent per annum on the unpaid principal balance of SBA's share of the loan. Where SBA's share is in excess of 75 percent of the loan, the service fee shall be one-fourth of 1 percent per annum on the unpaid principal balance of SBA's portion of the loan.

(4) *Closing fees.* A closing fee equivalent to one-eighth of 1 percent of SBA's approved portion of the loan, or \$10, whichever is the greater, shall be imposed upon all direct loans and immediate participation loans made and serviced by SBA which are authorized pursuant to section 7(a) of the Small Business Act, as amended. The fee shall be paid to SBA prior to disbursement of the loan and shall be exclusive of any other closing costs (such as recording fees and taxes, costs of title examination and title insurance, and other charges incident to the transaction) which are customarily paid by the borrower.

§ 120.4 Disaster loans for physical property loss, or for substantial economic injury as a result of major or natural disasters, or inability to process or market a product because of disease or toxicity through natural or undetermined causes.

(a) *Scope of assistance.* Financial assistance for disaster relief will be considered on an individual basis in the light of circumstances of the applicant and of the particular disaster. Such financial assistance will be made as SBA determines to be necessary or appropriate to relieve the distress and hardships attendant upon the disasters.

(b) *Limitations on assistance—(1) Farmers, stockmen, and others primarily engaged in agricultural activities.* Farmers, stockmen, and others engaged primarily in agricultural activities are not eligible for SBA disaster loan assistance. No disaster loan funds will be provided to an otherwise eligible applicant which would be used primarily in a farming or other agricultural activity, except, where the disaster area is located beyond the territorial jurisdiction of any other Federal agency otherwise authorized to provide such assistance, such parties shall be eligible for physical-loss disaster assistance.

(2) *Religious, eleemosynary, and nonprofit organizations.* Religious, eleemosynary, and nonprofit organizations are not small business concerns. Persons or firms holding realty for lease or rent for the production of income are not small business concerns. A cooperative association may qualify as a small business concern if each of its members qualify as a small business concern; a consumer cooperative will not qualify as a small business concern. Applicants which do not qualify as small business concerns are ineligible for disaster loan assistance except for physical loss disaster assistance.

(c) *Terms and conditions of financial assistance—(1) Participation limitations.* SBA's share of immediate participation disaster loans shall not exceed 90 percent of the loan. In guaranteed disaster loans the exposure of SBA under the guaranty

may not exceed 90 percent of the unpaid principal balance and accrued interest.

(2) *Maturities.* The maximum maturity, including renewals and extensions, for disaster loans shall not exceed 30 years.

(3) *Interest.* (i) For disaster relief described under this § 120.4, the interest rate shall be as follows: On SBA's share of financial assistance, interest shall be at a rate determined by the Secretary of Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity of 10 to 12 years. In no event will the rate be in excess of 6 percent per annum.

(ii) In any loan made under this § 120.4, deferment may be made in payments of principal or interest, or both, for a period up to the first 3 years of the loan. In participation or guaranteed loans, the interest rate on the participating institution's share shall be at a rate considered as reasonable by SBA but not to exceed 8 percent per annum.

(4) *Service fees.* No service fees shall be charged on disaster relief loans described under this § 120.4, and no fee shall be charged financial institutions for the SBA guaranty provided on guaranteed loans.

(d) *Physical-loss disaster assistance—*

(1) *Nature of financial assistance.* Financial assistance may be extended to rehabilitate or replace property damaged or lost as a result of disaster declared by SBA, declarations of which are published in the FEDERAL REGISTER. Such financial assistance may not be used for irreplaceable, luxury, or extraordinary expensive items.

(2) *Eligibility.* Assistance may be extended only to applicants determined by SBA to have suffered substantially the disaster loss; it will not be extended (i) if the applicant suffers flood loss as a result of action by a Federal agency which causes flooding of an area where the Government has been held harmless under a lease agreement covering a flowage easement (ii) where a substantial change of ownership occurred after the disaster.

(e) *Substantial economic injury assistance—(1) Disaster declaration.* An area must be declared to be a major disaster area by the President, a disaster area by the Administrator of SBA, or declared to be a natural disaster area by the Secretary of Agriculture or his designee.

(2) *Eligibility.* (i) An otherwise eligible small business concern must be located in the disaster area as defined by the disaster declaration made as provided in subparagraph (1) of this paragraph.

(ii) Assistance may be extended only to applicants determined by SBA to have suffered substantial economic injury. It will not be extended if SBA determines from the circumstances that the applicant assumed the loss or possibility of loss from the disaster. Therefore, applicants shall not be eligible, for example, where their concerns have been ac-

quired or established, or where a substantial change of ownership therein occurred, during or following a period of disaster.

(f) *Product disaster assistance—(1) Disaster declaration.* The Administrator of SBA makes all product disaster declarations.

(2) *Eligibility.* (i) An otherwise eligible small business concern is eligible for product disaster assistance to continue or reestablish its business if SBA determines that the concern has suffered substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes.

(ii) Assistance may be extended only to applicants determined by SBA to have suffered substantial economic injury. It will not be extended if SBA determines from the circumstances that the applicant assumed the loss or possibility of loss from the disaster. Therefore, applicants shall not be eligible, for example, where their concerns have been acquired or established, or where a substantial change of ownership therein occurred during or following a period of disaster.

(iii) Applicants which do not qualify as small business concerns are not eligible for economic injury assistance. Religious, eleemosynary, and nonprofit organizations are not small business concerns. Persons or firms holding realty for lease or rent for the production of income are not small business concerns. A cooperative association may qualify as a small business concern if each of its members qualify as a small business concern; a consumer cooperative will not qualify as a small business concern.

§ 120.5 Displaced Business, Coal Mine Health and Safety, Consumer Protection, and Occupational Safety and Health Loans

(a) *Displaced Business Loans—(1) Limitations on assistance—availability of funds from other sources.* Personal and/or business assets must be used by the applicant to the greatest extent feasible without causing undue hardship to overcome economic injury. In addition, private credit to the extent obtainable on reasonable rates and terms must be used prior to obtaining economic injury assistance.

(2) *Farmers, stockmen, and others primarily engaged in agricultural activities.* Farmers, stockmen, and others engaged primarily in agricultural activities are not small business concerns and, therefore, are not eligible for economic injury loan assistance. No disaster loan funds will be provided which would be used primarily on a farm or other agricultural activity.

(3) *Religious, eleemosynary, and nonprofit organizations.* Religious, eleemosynary, and nonprofit organizations are not small business concerns. Therefore, they are ineligible for disaster assistance except for Physical-Loss Disaster Assistance as described under § 120.4. Persons

or firms holding realty for lease or rent for the production of income are not small business concerns. A cooperative association may qualify as a small business concern if each of its members qualify as a small business concern. A consumer cooperative will not qualify as a small business concern.

(4) *Scope of financial assistance.* Financial assistance shall be available to assist any small business concern in continuing in business at its existing location, in reestablishing its business, in purchasing its business, or in establishing a new business, if the Administration determines that such concern has suffered substantial economic injury as the result of its displacement by, location in, or being adjacent to or near a federally aided urban renewal program, a highway project, or any other construction in which funds are provided in whole or in part by the Federal Government. In the discretion of the Administration, the purpose of a loan made pursuant to such project or program may include the purchase or construction of other premises whether or not the borrower owned the premises occupied by the business.

(5) *Substantial economic injury.* Assistance may be extended only to applicants determined by SBA to have suffered substantial economic injury. It will not be extended if SBA determines from the circumstances that the applicant assumed the loss or possibility of loss from the disaster. Therefore, applicants shall not be eligible, for example, where their concerns have been acquired or established, or where a substantial change of ownership therein occurred, during or following a period of disaster.

(b) *Coal Mine Health and Safety Loans (financial assistance coal mine operations)*—(1) *Economic assistance.* SBA is empowered to make such loans as the administration may determine to be necessary or appropriate to assist any small business concern operating coal mine in effecting additions to or alterations in the equipment, facilities, or methods of operation of such mine to requirements imposed by the Federal Coal Mine Health and Safety Act of 1969, if the Administration determines that such concern is likely to suffer substantial economic injury without such a loan. The use of proceeds may not be for working capital purposes.

(2) *Eligibility.* To qualify for a Coal Mine Health and Safety Loan, an applicant must be a small business concern. Coal mine services are not eligible for a Coal Mine Health and Safety Loan since they do not come under the jurisdiction of the Bureau of Mines.

(3) *Inspection of mine by Bureau of Mines.* Based upon its inspection, the Bureau of Mines issues a notice of deficiency or similar notice to the coal mine operator. The notice is the basis upon which the applicant determines the amount and use of proceeds of a Coal Mine Health and Safety Loan necessary to correct the deficiencies cited. A copy of the notice of deficiency from the Bureau of Mines must accompany any formal application for loan. All applications must be supported by sufficient infor-

mation so that SBA will be able to determine the economic life of the mine.

(c) *Consumer Protection Loans (financial assistance meat, poultry, and egg processing operations)* (1) *Economic assistance.* SBA is empowered to make such loans as the administration may determine to be necessary or appropriate to assist any small business concern engaged in meat, poultry, or egg processing in effecting additions to or alterations in the equipment, facilities, or methods of operation of such firm to meet requirements imposed by the Egg Products Inspection Act, the Wholesome Poultry Products Act, and the Wholesome Meat Act of 1967 or State laws enacted in conforming therewith, if the Administration determines that such concern is likely to suffer substantial economic injury without such a loan.

(2) *Eligibility.* To qualify for a Consumer Protection Loan, an applicant must be a small business concern.

(3) *Plant inspection.* Based upon its inspection, the appropriate Federal or State authority issues a notice of deficiency or similar notice to the firm. The notice is the basis upon which the applicant determines the amount and use of proceeds of a Consumer Protection Loan necessary to correct the deficiencies cited. A copy of the notice of deficiency from the inspection authority must accompany any formal application for loan.

(d) *Occupational Safety and Health Loans (financial assistance)* (1) *Economic assistance.* SBA is empowered to make such loans as the Administration may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in the equipment, facilities, or methods of operation of such concern to meet requirements imposed by the Occupational Safety and Health Act of 1970, if the Administration determines that such concern is likely to suffer substantial economic injury without such a loan.

(2) *Eligibility.* To qualify for an Occupational Safety and Health Loan, an applicant must be a small business concern.

(3) *Plant inspection.* (i) Based upon its inspection, the appropriate Federal or State authority issues a notice of deficiency or similar notice to the firm. The notice is the basis upon which the applicant determines the amount and use of proceeds of an Occupational Safety and Health Loan necessary to correct the deficiencies cited. A copy of the notice of deficiency from the inspection authority must accompany any formal application for loan.

(ii) Plant operators may on own initiative undertake action to meet OSH Act standards. If major construction or reconstruction is needed, the report of a licensed professional engineer and/or architect is required and must be submitted with the loan application.

(e) *Terms and conditions of financial assistance*—(1) *Participation limitations.* SBA's share of immediate participation loans shall not exceed 90 percent of the loan. In guaranteed loans, the exposure of SBA under the guaranty may not ex-

ceed 90 percent of the unpaid principal balance and accrued interest.

(2) *Amount of loan.* The amount which SBA may lend to individual applicants has no statutory dollar limitation. However, SBA may not make a loan if funds are available through:

(i) *Personal and/or business assets.* Personal and/or business assets should be used by the applicant to the greatest extent feasible; and/or,

(ii) *Private credit.* To the extent obtainable on reasonable rates and terms, private credit should be used prior to obtaining loan assistance from SBA.

(3) *Maturity.* The maximum maturity, including renewals and extensions, for Displaced Business, Coal Mine Health and Safety, Consumer Protection, and Occupational Safety and Health Loans shall not exceed 30 years.

(4) *Interest rate.* Interest on SBA's share of financial assistance made under the Displaced Business, Coal Mine Health and Safety, Consumer Protection, or the Occupational Safety and Health Loan program shall be at a rate determined by SBA in conformity with the statutory formula set forth in the Small Business Act, as amended.

(5) *Service charges.* A service fee is permitted for those financial institutions servicing immediate participation loans, or deferred participation loans where SBA has purchased its portion, on loans approved on or after July 1, 1969. The participating institution may deduct, only out of interest collected for the account of SBA, a service fee of three-eighths of 1 percent per annum where SBA's share is 75 percent or less or of one-fourth of 1 percent where SBA's share is more than 75 percent. Such fees are permitted only so long as the participating institution is servicing the loan. This fee shall not be added to any amount which borrower is obligated to pay under the loan. Participating institution shall not make a service charge to borrower for handling construction loans or accounts receivable and inventory collateral.

(6) *Guaranty charge.* There will be no guaranty fee charged the lending institution with respect to guaranteed disaster loans.

(7) *Closing fee.* No closing fee will be charged with respect to closing of any disaster loan.

Dated: October 29, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc. 71-16260 Filed 11-5-71; 8:48 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs,
Department of the Treasury
[T.D. 71-278]

PART 1—GENERAL PROVISIONS

Designation of Progreso, Tex., as Port
of Entry

Notice of proposal to designate Progreso, Tex., as a port of entry in the

Customs district of Laredo, Tex. (Region VI), was published in the *FEDERAL REGISTER* on September 2, 1971 (36 F.R. 17579). The proposal was based upon the need to provide better Customs service in the Laredo, Tex., district. No objections to the proposal were received.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), Progreso, Tex., is hereby designated as a port of entry in the Laredo, Tex., district (Region VI).

The geographical limits of the port of Progreso, Tex., include that part of the county of Hidalgo, Tex., encompassed by the following boundaries:

On the north by 28°6' North latitude, on the east by 97°54' West longitude, on the south by the United States-Mexico international boundary, and on the west by 98°00' West longitude.

To reflect this change, the table in § 1.2(c) of the Customs Regulations is amended by inserting in the column headed "Ports of Entry" in the Laredo, Tex., district (Region VI) "Progreso, Tex. (T.D. 71-278)," directly below Hidalgo.

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

This Treasury Decision shall become effective 30 days after publication in the *FEDERAL REGISTER*.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

OCTOBER 26, 1971.

[FR Doc.71-16283 Filed 11-5-71;8:50 am]

[T.D. 71-276]

PART 16—LIQUIDATION OF DUTIES

Sugar Content of Certain Articles From Australia Subject to Countervailing Duties

Net amount of bounty declared for the period October 1970 through September 1971 for products of Australia subject to the countervailing duty order published in T.D. 54582. Section 16.24(f); Customs Regulations, amended.

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the period October 1970 through September 1971 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

Month	Net amount of bounty per 2,240 lbs. of sugar content (Australian dollars)
October 1970.....	73.30
November 1970.....	72.40
December 1970.....	70.70
January 1971.....	70.40
February 1971.....	54.80
March 1971.....	56.40
April 1971.....	67.90
May 1971.....	65.20
June 1971.....	66.10
July 1971.....	67.40
August 1971.....	69.00
September 1971.....	65.70

The net amount of bounties or grants on the above-described commodities which are manufactured or produced in Australia is hereby ascertained, determined, and declared to be the rate stated in the above table. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the net amounts of the bounty shown above shall be assessed and collected.

The table in § 16.24(f) under "Australia—Sugar content of certain articles" is amended (1) by deleting therefrom the reference to T.D. 70-105, and (2) by adding a reference to this Treasury Decision. As amended the last three lines of the table under this commodity will read:

Country	Commodity	Treasury decision	Action
		70-197	New rate.
		70-225	New rate.
		71-273	New rate.

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: October 21, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[FR Doc.71-16284 Filed 11-5-71;8:50 am]

Title 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics and Dangerous Drugs, Department of Justice

PART 308—SCHEDULES OF CONTROLLED SUBSTANCES

Removal of Exceptions From Amphetamine and Methamphetamine Combination Products

A notice was published in the *FEDERAL REGISTER* of September 21, 1971 (36 F.R. 17849), proposing the removal of ex-

ceptions from amphetamine and methamphetamine combination products. These exceptions, from application of certain provisions of the Controlled Substances Act (21 U.S.C. 801 et seq.) and the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), were granted under the Drug Abuse Control Amendments of 1965 and were continued under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513) for administrative purposes.

All interested persons were given 30 days after publication to submit their objections to and comments on the proposal. No objections were received. The Narcotic and Drug Control Division of the State Board of Health of South Carolina, commented specifically on the product Edrisal, noting that the formula of the drug does not preclude a potential for abuse, that similar drugs (Edrisal with Codeine and Daprisal) are listed in Schedule II, and that as the stringent controls of Schedule II are applied to other stimulants, abuse of Edrisal is likely to increase.

After careful consideration of the comments submitted, in view of the fact that no objections were received, and based upon the investigations of the Bureau of Narcotics and Dangerous Drugs, the Director finds that no compound, mixture, or preparation containing any quantity of amphetamine (or its salts, optical isomers, or salts of its optical isomers) or methamphetamine (or its salts, isomers, or salts of its isomers) and one or more active medicinal ingredients not having a stimulant effect on the central nervous system, contains such ingredients in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the amphetamine or methamphetamine substances.

Therefore, under the authority vested in the Attorney General by section 202 (d) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812(d)), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, the Director hereby orders that:

1. Section 308.13(b) (1) of Title 21 of the Code of Federal Regulations be deleted and replaced with a new paragraph to read:

§ 308.13 Schedule III.

* * * * *

(b) * * *

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances.

* * * * *

§ 308.32 [Amended]

2. Section 308.32(b) of Title 21 of the Code of Federal Regulations be amended by deleting the following drugs:

Trade name or other designation	Composition	Manufacturer or supplier
Edrisal	Tablet: Amphetamine sulfate 2.5 mg.; aspirin, 162 mg.; phenacetin 162 mg.	Smith Kline & French Laboratories.
Genegesic Capsules	Capsule: Methamphetamine hydrochloride, 1.2 mg.; chlorpheniramine maleate, 3.8 mg.; phenacetin, 120.0 mg.; salicylamide, 180.0 mg.; caffeine, 30.0 mg.; ascorbic acid, 50.0 mg.	General Pharmaceutical Products Inc.
Hovizyme	Tablet: Methamphetamine hydrochloride, 0.5 mg.; conjugated estrogens-equine, 0.125 mg.; methyl testosterone, 1.25 mg.; amylase, 10.0 mg.; protease, 5.0 mg.; cellulase, 2.0 mg.; nicotinic alcohol tartrate, 7.5 mg.; dehydrocholic acid, 50.0 mg.; ascorbic acid, 50.0 mg.; ferrous fumarate, 6.0 mg.	Ayerst Laboratories.
Mediatric	Tablet of capsule: Methamphetamine hydrochloride, 1 mg.; conjugated estrogens-equine, 0.25 mg.; methyl testosterone, 2.5 mg.	Do.
Mediatric Liquid	Solution (15 cc.): Methamphetamine hydrochloride, 1 mg.; conjugated estrogens-equine, 0.25 mg.; methyl testosterone, 2.5 mg.	Do.
Special Formula 711	Tablet: d-Amphetamine sulfate, 2.5 mg.; mephenesin, 500 mg.; salicylamine, 300 mg.	Detroit First Aid Co.
Thora-Dex No. 1	Tablet: Dextroamphetamine sulfate, 2 mg.; chlorpromazine hydrochloride, 10 mg.	Smith Kline & French Laboratories.
Thora-Dex No. 2	Tablet: Dextroamphetamine sulfate, 5 mg.; chlorpromazine hydrochloride, 25 mg.	Do.

In his order published July 7, 1971, in the FEDERAL REGISTER (36 F.R. 12736), the Director recognized that certain combination products containing amphetamine or methamphetamine exempted under the Drug Abuse Control Amendments of 1965 were not expressly excepted under § 308.32. The Director stated that, as a matter of policy, those substances would be deemed excepted under § 308.32 pending further action by the Bureau. This order applies to those substances as well.

The effect of this order is to subject all compounds, mixtures, or preparations containing amphetamine or methamphetamine, except those now listed in Schedule II, to all of the requirements of sections 305, 307, and 309 of the Controlled Substances Act (relating to labeling, recordkeeping, and prescription requirements for controlled substances), sections 1002, 1003, and 1004 of the Controlled Substances Import and Export Act (relating to importation, exportation, transshipment) and § 301.74(d) of Title 21 of the Code of Federal Regulations (relating to sampling of controlled substances).

This order does not transfer any formerly excepted compounds, mixtures, or preparations containing amphetamine or methamphetamine from Schedule III to Schedule II.

The requirements imposed upon the formerly excepted amphetamine and methamphetamine combination products by virtue of the removal of the excepted status shall become effective as follows:

1. *Labeling.* All labels on commercial containers of, and all labeling of, the above formerly excepted stimulant com-

pounds, which are packaged on and after May 1, 1972, shall comply with the requirements of 21 CFR Part 302.

2. *Records and inventories.* Every registrant who is required to keep records under § 304.03 of Title 21 of the Code of Federal Regulations, and who is manufacturing, distributing or dispensing any of the above formerly excepted stimulant compounds, shall take an inventory of all stocks on hand on January 3, 1972, and thereafter shall keep all required records regarding these compounds.

3. *Prescriptions.* All prescriptions for the above formerly excepted stimulant compounds shall comply with 21 CFR Part 306, as applied to substances listed in Schedule III, on and after January 1, 1972.

4. *Importation and exportation.* All importation, exportation, transshipment, and in-transit shipment of the above formerly excepted stimulant compounds shall comply with the requirements of 21 CFR Part 312 on and after January 1, 1972.

5. *Security.* All of the above formerly excepted stimulant compounds shall be manufactured, stored, distributed and shipped in compliance with §§ 301.71-76 of Title 21 of the Code of Federal Regulations on and after January 1, 1972.

This order is effective on the date of its publication in the FEDERAL REGISTER (11-5-71).

Dated: November 1, 1971.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics
and Dangerous Drugs.

[FR Doc.71-16208 Filed 11-5-71;8:45 am]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 55—GRANTS UNDER THE EMERGENCY EMPLOYMENT ACT OF 1971

Subpart D—Grants Under the Secretary's Discretionary Authority

Subtitle A of Title 29, Code of Federal Regulations, is hereby amended by adding thereto a new subpart to Part 55, designated Subpart D, relating to grants under the Secretary's discretionary authority. The new Subpart D sets forth the regulations of the Secretary of Labor for making grants under section 9(a) (2) of the Emergency Employment Act of 1971 (Public Law 92-54).

The Emergency Employment Act of 1971 was designed to increase employment and was made effective by Congress on an emergency basis. The effective implementation of the discretionary grant program is not possible without regulations to enable the intended recipients of Federal financial assistance to know the requirements. Compliance with the notice and public procedure requirements of 5 U.S.C. 553 would involve a delay in making available the assistance provided by this Act; we find that under the circumstances such delay would be impracticable and contrary to the public interest. Accordingly, the new Subpart D shall be effective upon publication in the FEDERAL REGISTER (11-6-71).

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the provisions of 5 U.S.C. 553. See 29 CFR 2.7 published in the July 10, 1971 FEDERAL REGISTER, 36 F.R. 12976. In accordance with the spirit of the public policy set forth in the above mentioned section, interested parties may submit written comments, suggestions, data, or arguments to the Assistant Secretary for Manpower, U.S. Department of Labor, Washington, D.C. 20210, within 45 days of the publication of the regulations contained in this part. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until it is revised, however, it shall remain effective, thus permitting the public business to proceed expeditiously.

Part 55 is hereby amended as follows:

1. A new Subpart D is hereby added as follows:

Subpart D—Grants Under the Secretary's Discretionary Authority

Sec.	
55.50	Purpose and scope.
55.51	Incorporation of sections from Subpart A of this part.
55.52	Distribution and use of funds.
55.53	Assurances.
55.54	Selection of participants.
55.55	Action upon application.
55.56	Use of Federal funds.

Sec.
55.57 Maximum compensation.
55.58 Waiver of requirements by Secretary.

AUTHORITY: The provisions of this Subpart D issued under section 12 of the Emergency Employment Act of 1971 and Secretary's Order 20-71.

§ 55.50 Purpose and scope.

This subpart contain the policies, rules and regulations of the Department of Labor with respect to grants, except grants to Indian tribes which are covered by Subpart C, pursuant to the Secretary's discretionary authority under the Emergency Employment Act of 1971. (Public Law 92-54, 85 Stat. 146.)

§ 55.51 Incorporation of sections from Subpart A of this part.

Sections 55.1, 55.3, 55.5, 55.10, 55.16, 55.17, 55.18, 55.19, 55.20, 55.25, and 55.26 of the regulations in Subpart A of this part are hereby incorporated in this Subpart D.

§ 55.52 Distribution and use of funds.

(a) The Secretary will designate the areas in which the discretionary funds shall be expended. These areas will not necessarily be identical with the respective jurisdictions of program agents under other subparts. Only eligible applicants serving such designated areas may receive funds.

(b) Funds granted for high impact demonstration programs shall be allocated equitably by program agents among the county and city levels of government, including public agencies which are independent of supervision by such level of government, in the designated areas covered in its application. (1) When selecting employing agencies, program agents shall give due consideration to the size and severity of unemployment in the particular area, the number of public service jobs at each level of government, the size of the population served by each unit of government, and the ability of each employing agency to employ participants belonging to the groups specified by the Secretary in jobs meeting the Secretary's criteria, if any. (2) Where appropriate, Federal and State agencies may be made employing agencies. When a Federal or State agency is the employing agency, the jobs it creates must be located in the jurisdiction of the program agent from which it receives funds.

(c) Funds granted for welfare demonstration programs shall be allocated among city and county levels of government in designated areas, including public agencies which are independent of supervision by such levels of government, as the program agent deems most likely to assure placement of the eligible welfare recipients in suitable jobs.

§ 55.53 Assurances.

(a) Section 55.6, except for paragraph (d), is hereby incorporated in this Subpart D.

(b) The grant application shall include a commitment by the program

agent that it and the employing agencies responsible to it will utilize half the vacancies occurring in suitable occupations in their permanent work force, not financed from funds granted pursuant to the Act, for the purpose of providing participants permanent employment, except where this is prohibited by hiring practices required by law, regulation or collective bargaining agreement and the program agent or employing agency has submitted a statement explaining the prohibition. Failure to abide by this commitment may lead to the withholding or denial of grant funds.

§ 55.54 Selection of participants.

(a) Paragraphs (a) through (e) of § 55.7 are incorporated herein.

(b) Paragraph (f) of § 55.7 is incorporated herein except as to participants in high impact demonstration programs in a Standard Metropolitan Statistical Area who may live anywhere in such area.

(c) Whenever, in order to facilitate a demonstration program, the Secretary announces his intention of allocating the discretionary funds solely for the employment of specified categories of welfare recipients, or for any other limited category of participants, program agents and employing agencies shall select participants from the specified category in accordance with the Secretary's instructions.

§ 55.55 Action upon application.

(a) An application for a grant from funds made available under section 9(a) (2) of the Act will be approved if (1) the program agent has the legal capacity to operate the program proposed, (2) the application meets the requirements of the statute and of the regulations in this subpart, and (3) the Secretary has determined to exercise his discretion to approve the application.

(b) The program agent will be notified of action taken on an application. If approved the grant will be completed as provided in § 55.11(b); if the application is denied, a notice of denial will be sent to the program agent, accompanied by a brief statement of the reason for denial.

(c) In the event an acceptable application is not filed within the time prescribed by the Secretary or is denied, or a grant is terminated in whole or in part during a fiscal year, the Secretary may make provision for the funds released by such failure to file, denial, or termination, to be used by one or more alternative eligible applicants in furtherance of the purposes of this subpart.

§ 55.56 Use of Federal funds.

(a) Paragraphs (a), (b), (d), (e), and (f) of § 55.15 are hereby incorporated in this subpart.

(b) Not less than 85 percent of the funds granted to a program agent, or the percent specified by the Secretary, shall be used for compensation and benefits to participants.

(c) No initial funding will be provided.

§ 55.57 Maximum compensation.

Where the Secretary sets a maximum on the compensation payable for a percentage of the jobs in a demonstration project, at least that percentage of jobs shall pay no more than the specified maximum.

§ 55.58 Waiver of requirements by Secretary.

The Secretary may waive any requirement under this subpart that is not specifically required by the Act if he finds it might impede the conduct of any demonstration program.

Signed at Washington, D.C., this 1st day of November 1971.

MALCOLM R. LOVELL, Jr.,
Assistant Secretary
for Manpower.

[FR Doc.71-16205 Filed 11-5-71;8:45 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter IV—Secret Service,
Department of the Treasury

PART 405—ILLUSTRATION OF U.S. SAVINGS BONDS

Authority To Make, Hold, Dispose of, and Use

This amendment would eliminate the existing authorization to use illustrations of U.S. savings stamps for publicity purposes in connection with the campaign for the sale of such stamps. The Department has discontinued the issuance of savings stamps so that the use of illustrations to promote their sale is no longer necessary. The Department finds, in accordance with 5 U.S.C. 553, that notice and public procedure on the amendment are not necessary since it involves a matter relating to agency management.

Accordingly, § 405.1 of Part 405 of Chapter IV of Title 31 of the Code of Federal Regulations is amended to read as follows:

§ 405.1 Illustrations authorized.

(a) Authority is hereby given to make, hold, dispose of, and use illustrations of U.S. savings bonds for publicity purposes in connection with the campaign for the sale of such bonds.

(b) The making of any reproduction of a U.S. savings bond in any manner or any form is not permitted other than as provided in this part or pursuant to title 18, United States Code, section 504 (18 U.S.C. 504).

This amendment will be effective upon publication in the FEDERAL REGISTER (11-6-71).

[SEAL] JAMES J. ROWLEY,
Director, U.S. Secret Service.

[FR Doc.71-16238 Filed 11-5-71;8:40 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 61—AUTOMATED OVERSEAS EMPLOYMENT REFERRAL PROGRAM

PART 65—VIETNAM ERA VETERANS' EMPLOYMENT REFERRAL PROGRAM

PART 78—EMPLOYMENT OF RETIRED MEMBERS OF THE UNIFORM SERVICES

PART 141—RULES FOR THE AVOIDANCE OF ORGANIZATIONAL CONFLICTS OF INTEREST

SUBCHAPTER G—CIVIL DEFENSE

PART 187—EMPLOYMENT OF MILITARY RESOURCES IN THE EVENT OF CIVIL DISTURBANCES

Discontinuance of Parts

The following listed parts are no longer in effect and are discontinued:

1. Part 61, based on DOD Instruction 1404.7 dated February 5, 1968.
2. Part 65, based on DOD Instruction 1404.9 dated August 26, 1968.
3. Part 78, based on DOD Directive 1402.1 dated December 1, 1964.
4. Part 141, based on DOD Directive 5500.10 dated June 1, 1963.
5. Part 187, based on DOD Directive 3025.12 dated June 8, 1968.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71-16281 Filed 11-5-71;8:50 am]

Chapter XIV—Renegotiation Board

SUBCHAPTER B—RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1467—MANDATORY EXEMPTION OF CONTRACTS AND SUBCONTRACTS FOR STANDARD COMMERCIAL ARTICLES OR SERVICES

Waiver of Commercial Exemption

The Renegotiation Board hereby adopts, without change, the proposed amendments published on September 28, 1971 (36 F.R. 19093). Such regulations, as adopted, read as set forth below.

Dated: November 3, 1971.

RICHARD T. BURRESS,
Chairman.

This part is amended in the following respects:

1. Section 1467.46 *Waiver of exemption* is amended by adding at the end of paragraph (b) (4) thereof, the following sentence: "See in this connection §§ 1467.58 and 1467.59."
2. Section 1467.58 *Grant of exemption* is amended by deleting the second

sentence thereof in its entirety, by changing the period at the end of the first sentence to a comma, and by adding the following: "but (a) the Board shall be entitled, in its discretion, to rescind such determination if the Application for Commercial Exemption contained a misstatement of a material fact (see § 1467.57(d)); and (b) the contractor shall be entitled thereafter with the permission of the Board, to withdraw the Application for Commercial Exemption and waive the exemption."

3. Section 1467.59 *Accrual of exemption by failure of Board to act* is amended by deleting "and, except as provided in § 1467.57(d), such exemption shall be fixed and final," and inserting in lieu thereof the following: "except as provided in § 1467.57(d). Nothing in the preceding sentence shall preclude the contractor, with the permission of the Board, from thereafter withdrawing the Application for Commercial Exemption and waiving the exemption."

[FR Doc.71-16280 Filed 11-5-71;8:49 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

Docket No. HM-89; Amdts. Nos. 173-58, 179-9]

PART 173—SHIPERS

PART 179—SPECIFICATIONS FOR TANK CARS

Provisions for Shipment of Flammable Liquids

The purpose of this amendment to the Department's Hazardous Materials Regulations is to amend § 173.119(a)(12) and to add new §§ 179.220 and 179.221 to provide for the use of a new DOT specification 115 tank cars for shipment of flammable liquids not otherwise specified (n.o.s.).

On July 21, 1971, the Hazardous Materials Regulations Board published Docket No. HM-89; Notice No. 71-23 (36 F.R. 13405) proposing these changes. Several comments were received.

One commenter requested inclusion of additional requirements to provide for the use of specification 115 cars in low temperature service (service below -20° F.). Since this was not included as subject matter in the present rule-making action and it would introduce substantial changes, the Board is of the opinion that these comments should be subject to a separate rule-making action.

This commenter also noted that the Board apparently was proposing to reject tanks having metal support members extending from inner tank to outer shell. The Board did not intend to restrict the design in this manner. Section 179.220-15 does not contain this limitation. The regulation that "the inner container must be thermally isolated from the outer shell to the best practical extent"

is a rule referring to a support system of "approved design." There is no limitation on such a system provided it complies with the specification requirements. The phrase "without metal supports" found in the preamble of Notice 71-23 was meant to be descriptive of the manner in which these specification cars are now being built, and was not intended to be a restriction in future design.

Several comments were received suggesting clarification of various texts and most of these suggestions were adopted. One change relating to § 179.220-18(a)(3), location of bottom unloading valves, was set aside as a matter for separate rule-making. Another suggestion related to the requirement for a locking arrangement on valve-operating mechanisms. This requirement does not mean that exterior actuating mechanisms must be physically connected by means of linkages to the actual seating mechanism of the valve. On valves that might otherwise be open during transportation, some securing device or arrangement must be supplied to insure that positive closure is maintained during transportation and that the valve cannot accidentally be opened.

The Bureau of Explosives, Association of American Railroads, objected to the addition of DOT specification 115A type cars to § 173.119(a)(12) on the following bases:

(1) Specification 115A cars were designed primarily for transportation of "time temperature" products as defined in DOT Special Permits for Dichlorobutene, methyl methacrylate monomer. For this service there are restrictions imposed on both the cars and the products which are not contained in the proposal.

(2) Under the special permit system the special restrictions mentioned above can be and are imposed; but the blanket authorization proposed in the instant notice would eliminate all of them, even those demonstrably necessary for safety.

(3) New-time-temperature-sensitive products may be developed that require other and different restrictions for safe transportation. These restrictions likewise could not be imposed under the proposal.

The Board does not believe the 115A car should be singled for restriction. Under the present regulations, transportation of dichlorobutene and methyl methacrylate is authorized in many specification cars that are not required to be insulated. However, this transportation is always subject to § 173.21, which states in part that,

The offering for transportation of any package or container of any liquid, solid, or gaseous material which under conditions incident to transportation may polymerize (combine or react with itself) or decompose so as to cause dangerous evolution of heat or gas is prohibited. Such materials may be offered for transportation when properly stabilized or inhibited. Refrigeration may be used as a means of stabilization only when approved by the Bureau of Explosives.

The effect of this rule would not be changed, i.e., when a time-temperature relationship is involved in safely transporting a product, this means of stabilization may be used only when approved

by the Bureau of Explosives. Therefore, if dichlorobutene not otherwise safely inhibited is proposed to be shipped safely under temperature control, such as by the use of a type 115A tank car or any other insulated car now authorized by § 173.119(a) (12), this method of stabilization or inhibition continues to be subject to the Bureau's approval and any conditions it may impose. This includes use of the car in this service. This section of the regulations presently controls nearly all shipments requiring time-temperature controls due to instability. Any permits now outstanding that involve § 173.119(c) (12) and that include a time-temperature relationship involving safety would not be obviated by this amendment. Rather, control would revert back to the Bureau by virtue of § 173.21(b). Therefore, the Board is of the opinion that the amendment as proposed should be sustained.

In consideration of the foregoing, 49 CFR Parts 173 and 179 are amended as follows:

1. In § 173.119 paragraph (a) (12) is amended to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

(a) * * *

(12) Specification 103,¹ 103W, 103-ALW, 103DW, 104,¹ 104W, 105A100,¹ 105A100ALW, 105A100W, 106A500X, 106A800XNC, 106A800NCI,¹ 109A100ALW, 110A500W, 111A60ALW, 111A60F1, 111A60W1, 111A100W3, 111A100W4, 111A100W6, 112A200W, 112A400F, 114A340W, 115A60W1, 115A60ALW, 115A60W6, ARA-III,² ARA-IV,² or ARA-IV-A³ (§§ 179.100, 179.101, 179.200, 179.201, 179.220, 179.300, 179.301 of this chapter). Tank cars. For cars equipped with expansion domes, manway closures must be so designed that pressure will be released automatically by starting the operation of removing the manway cover. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner. (See § 173.432 for shipping instructions.)

* * * * *

2. In Part 179, Table of Contents, Subpart D heading is amended; §§ 179.220 and 179.221 are added to read as follows:

Subpart D—Specifications for Nonpressure Tank Car Tanks (Classes DOT-103, 104, 111AF, 111AW, and 115AW)

Sec.

179.220 General specifications applicable to nonpressure tank car tanks consisting of an inner container supported within an outer shell (class DOT-115).

179.221 Individual specification requirements applicable to tank car tanks consisting of an inner container supported within an outer shell.

3. Subpart D heading is amended and §§ 179.220 and 179.221 are added to read as follows:

¹ Use of existing tank cars authorized, but new construction not authorized.

Subpart D—Specifications for Nonpressure Tank Car Tanks (Classes DOT-103, 104, 111AF, 111AW, and 115AW)

§ 179.220 General specifications applicable to nonpressure tank car tanks consisting of an inner container supported within an outer shell (class DOT-115).

§ 179.220-1 Tanks built under these specifications must meet the requirements of § 179.220 and § 179.221.

§ 179.220-2 Approval.

For procedures in securing approval, see § 179.3.

§ 179.220-3 Type.

(a) Tanks built under these specifications must consist of an inner container, a support system for the inner container, and an outer shell.

(b) The inner container must be a fusion welded tank of circular cross section with formed heads designed convex outward and must have a manway on top of the tank as prescribed herein. When the inner container is divided into compartments, each compartment must be considered a separate container.

(c) The outer shell must be a fusion welded tank with formed heads designed convex outward.

§ 179.220-4 Insulation.

The annular space between the inner container and the outer shell must contain an approved insulation material.

§ 179.220-5 Bursting pressure.

The minimum required bursting pressure of the inner container is listed in § 179.221-1.

§ 179.220-6 Thickness of plates.

(a) The wall thickness, after forming of the inner container shell and 2:1 ellipsoidal heads must be not less than specified in § 179.221-1, or not less than that calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where:

d = Inside diameter in inches;

E = 0.9 welded joint efficiency; except $E=1.0$ for seamless heads;

P = Minimum required bursting pressure in p.s.i.;

S = Minimum tensile strength of plate material in p.s.i. as prescribed in AAR Specifications for Tank Cars, Appendix M, Table M1;

t = Minimum thickness of plate in inches after forming.

(b) The wall thickness after forming of the inner container heads, if flanged and dished, must be not less than specified in § 179.221-1, or not less than that calculated by the following formula:

$$t = \frac{5PL}{6SE}$$

where:

E = 0.9 welded joint efficiency; except $E=1.0$ for seamless heads;

L = Mean inside radius to which head is dished, measured on concave side in inches;

P = Minimum required bursting pressure in p.s.i.;

S = Minimum tensile strength of plate material in p.s.i. as prescribed in AAR Specifications for Tank Cars, Appendix M, Table M1;

t = Minimum thickness of plate in inches after forming.

(c) The wall thickness after forming of the cylindrical section and heads of the outer shell must be not less than seven-sixteenths of an inch.

(d) See § 179.220-9 for plate thickness requirements for inner container when divided into compartments.

§ 179.220-7 Materials.

(a) The plate material used to fabricate the inner container and nozzles must meet one of the following specifications and with the indicated minimum tensile strength and elongation in the welded condition.

(b) Carbon steel plate: The maximum allowable carbon content must be 0.31 percent when the individual specification allows carbon content greater than this amount. The plates may be clad with other approved materials.

Specifications	Minimum tensile strength (p.s.i.) welded condition ¹	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM A 515-70, Gr. 55....	55,000	23
ASTM A 515-70, Gr. 60....	60,000	25
ASTM A 515-70, Gr. 65....	65,000	20
ASTM A 515-70, Gr. 70....	70,000	20
ASTM A 285-70a, Gr. A....	45,000	24
ASTM A 285-70a, Gr. B....	50,000	20
ASTM A 285-70a, Gr. C....	55,000	20
ASTM A 516-70, Gr. 55....	55,000	23
ASTM A 516-70, Gr. 60....	60,000	25
ASTM A 516-70, Gr. 65....	65,000	20
ASTM A 516-70, Gr. 70....	70,000	20
AAR TC123-70, Gr. A&B..	51,000	19

¹ Maximum stresses to be used in calculations.

(c) Aluminum alloy plate: Aluminum alloy plate must be suitable for welding and comply with one of the following specifications:

Specifications	Minimum tensile strength (p.s.i.) 0 temper, welded condition ^{2,3}	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM B 209-70, Alloy 5052 ¹	25,000	18
ASTM B 209-70, Alloy 5053 ¹	33,000	10
ASTM B 209-70, Alloy 5080 ¹	35,000	14
ASTM B 209-70, Alloy 5154 ¹	30,000	18
ASTM B 209-70, Alloy 5254 ¹	30,000	18
ASTM B 209-70, Alloy 5454 ¹	31,000	18
ASTM B 209-70, Alloy 5652 ¹	25,000	18
ASTM B 209-70, Alloy 5081 ¹	24,000	15

¹ For fabrication, the parent plate material may be 0, H112, or H32 temper, but design calculations must be based on the minimum tensile strength shown.

² 0 temper only.

³ Weld filler metal 5550 must not be used.

⁴ Not authorized for tank shells, manways or domes.

⁵ T6 temper only.

⁶ Maximum stresses to be used in calculations.

(d) High alloy steel plate: High alloy steel plate must comply with one of the following specifications:

Specifications	Minimum tensile strength (p.s.i.) welded condition ¹	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM A 240-70, Type 304	75,000	30
ASTM A 240-70, Type 304L	70,000	30
ASTM A 240-70, Type 316	75,000	30
ASTM A 240-70, Type 316L	70,000	30
ASTM A 240-70, Type 430A	65,000	22

¹ Maximum stresses to be used in calculations.

(e) Manganese-molybdenum steel plate: Manganese-molybdenum steel plate must be suitable for fusion welding and must comply with the following specification:

Specifications	Minimum tensile strength (p.s.i.) welded condition ¹	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM A 392-70a, Gr. B...	80,000	20

¹ Maximum stresses to be used in calculations.

(f) Plate materials used to fabricate the outer shell and heads must be those listed in paragraphs (b), (c), (d), or (e) of this section. The maximum allowable carbon content must be 0.31 percent when the individual specification allows carbon content greater than this amount. The plates may be clad with other approved materials.

(g) All appurtenances on the inner container in contact with the lading must be made of approved material compatible with the plate material of the inner container. These appurtenances must not be subject to rapid deterioration by the lading, or must be coated or lined with suitable corrosion resistant material. See AAR Specifications for Tank Cars, Appendix M, M4.05 for approved material specifications for castings for fittings.

§ 179.220-8 Tank heads.

(a) Tank heads of the inner container, inner container compartments and outer shell must be of approved contour, and may be flanged and dished or ellipsoidal for pressure on concave side.

(b) Flanged and dished heads must have main inside radius not exceeding 10 feet and inside knuckle radius must be not less than 3¼ inches for steel and alloy steel tanks nor less than 5 inches for aluminum alloy tanks.

(c) Ellipsoidal heads must be an ellipsoid of revolution in which the major axis must equal the diameter of the shell and the minor axis must be one-half the major axis.

§ 179.220-9 Compartment tanks.

(a) The inner container may be divided into compartments by inserting

interior heads, or by fabricating each compartment as a separate container and joining with a cylinder, or by fabricating each compartment as a separate tank without a joining cylinder. Each compartment must be capable of withstanding, without evidence of yielding or leakage, the required test pressure applied in each compartment separately, or in any combination of compartments.

(b) When the inner container is divided into compartments by fabricating each compartment as a separate container and joining with a cylinder, the cylinder must have a plate thickness not less than that required for the inner container shell and must be applied to the outside surface of the straight flange portion of the container head. The cylinder must fit the straight flange tightly for a distance of at least two times the plate thickness, or 1 inch, whichever is greater and must be joined to the straight flange by a full fillet weld. Distance from fillet weld seam to container head seam must be not less than 1½ inches or three times the plate thickness, whichever is greater.

§ 179.220-10 Welding.

(a) All joints must be fusion-welded in compliance with AAR Specifications for Tank Cars, Appendix W. Welding procedures, welders, and fabricators shall be approved.

(b) Radioscopy of the outer shell is not a specification requirement.

(c) Welding is not permitted on or to ductile iron or malleable iron fittings.

§ 179.220-11 Postweld heat treatment.

(a) Postweld heat treatment of the inner container is not a specification requirement.

(b) Postweld heat treatment of the cylindrical portions of the outer shell to which the anchorage or draft sills are attached must comply with AAR Specifications for Tank Cars, Appendix W.

(c) When cold formed heads are used on the outer shell they must be heat treated before welding to shell if postweld heat treatment is not practicable due to assembly procedures.

§ 179.220-12 Tank mounting.

See § 179.10.

§ 179.220-13 Inner container manway nozzle and cover.

(a) Inner container manway nozzle must be of approved design with access opening at least 18 inches inside diameter, or at least 14 inches by 18 inches obround or oval.

(b) Manway covers must be of approved type. Design must provide a secure closure of the manway and must make it impossible to remove the cover while the tank interior is under pressure.

(c) All joints between manway covers and their seats must be made tight against leakage of vapor and liquid by use of suitable gaskets.

(d) Manway covers must be cast, forged, or fabricated metal complying with subsection § 179.220-7(g) of this section.

(e) A seal must be provided between the inner container manway nozzle and the opening in the outer shell.

§ 179.220-14 Openings in the tanks.

Openings in the inner container and the outer shell must be reinforced in compliance with AAR Specifications for Tank Cars, Appendix E. In determining the required reinforcement area for openings in the outer shell, *t* shall be one-fourth inch.

§ 179.220-15 Support system for inner container.

The inner container must be supported within the outer shell by a support system of adequate strength and ductility at its operating temperature to support the inner container when filled with liquid lading to any level. The support system must be designed to support, without yielding, impact loads producing accelerations of the following magnitudes and directions when the inner container is loaded so that the car is at its rail load limit, and the car is equipped with a conventional AAR Specification M-901 draft gear.

Longitudinal	7G
Transverse	3G
Vertical	3G

The longitudinal acceleration may be reduced to 3G where a cushioning device of approved design, which has been tested to demonstrate its ability to limit body forces to 400,000 pounds maximum at a 10 miles per hour impact, is used between the coupler and the tank structure. The support system must be of approved design and the inner container must be thermally isolated from the outer shell to the best practical extent.

§ 179.220-16 Expansion capacity.

Expansion capacity must be provided in the shell of the inner container as prescribed in § 179.221-1.

§ 179.220-17 Gaging devices, top loading and unloading devices, venting and air inlet devices.

(a) When installed, each device must be of approved design which will prevent interchange with any other fixture and must be tightly closed. Each unloading pipe must be securely anchored within the inner container. Each inner container or compartment thereof may be equipped with one separate air connection.

(b) When the characteristics of the commodity for which the car is authorized require these devices to be equipped with valves or fittings to permit the loading and unloading of the contents, these devices including valves, shall be provided with a protective housing except when plug or ball-type valves with operating handles removed are used. Provision must be made for closing pipe connections of valves.

(c) Inner container may be equipped with a vacuum relief valve of approved design. Protective housing is not required.

(d) When a gaging device is required in § 179.221-1, an outage scale visible through the manway opening must be

provided. If loading devices are applied to permit tank loading with cover closed, a telltale pipe may be provided. The telltale pipe must be capable of determining that required outage is provided. The pipe must be equipped with $\frac{1}{4}$ -inch maximum, NPT control valve mounted outside tank and enclosed within a protective housing. Other approved devices may be used in place of an outage scale or a telltale pipe.

(e) The bottom of the tank shell may be equipped with a sump or siphon bowl, or both, welded or pressed into the shell. These sumps or siphon bowls, if applied, are not limited in size and must be made of cast, forged, or fabricated metal. Each sump or siphon bowl must be of good welding quality in conjunction with the metal of the tank shell. When the sump or siphon bowl is pressed in the bottom of the tank shell, the wall thickness of the pressed section must not be less than that specified for the shell. The section of a circular cross section tank to which a sump or siphon bowl is attached need not comply with the out-of-roundness requirement specified in Appendix W, W14.06 of the AAR Specifications for Tank Cars. Any portion of a sump or siphon bowl not forming a part of a cylinder of revolution must have walls of such thickness and must be so reinforced that the stresses in the walls caused by a given internal pressure are not greater than the circumferential stress which would exist under the same internal pressure in the wall of a tank of circular cross section designed in accordance with §§ 179.220-6(a) and 179.220-9. In no case shall the wall thickness be less than that specified in § 179.221-1 (a).

(f) Protective housing, when required, must be of approved material and must have cover and sidewalls not less than 0.119 inch in thickness.

§ 179.220-18 Bottom outlets.

(a) The inner container may be equipped with a bottom outlet of approved design and an opening provided in the outer shell for its access. If applied, the bottom outlet must comply with the following requirements:

(1) On newly built empty cars with truck centers through 60 feet, 6 inches, the extreme projection of the bottom outlet equipment including insulated enclosure must be at least 12 inches above the top of the rail on level track. On cars with truck centers greater than 60 feet, 6 inches, the minimum rail clearance must be in accordance with the graph in Appendix E of the AAR Specifications for Tank Cars. Each bottom outlet reducer and closure and their attachments must be secured to the car by at least a $\frac{3}{8}$ -inch chain or its equivalent. However, outlet closure plugs may be attached by $\frac{1}{4}$ -inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection to the valve must be closed by a plug or cap.

(2) Each bottom outlet must be provided with a liquid tight closure at its lower end.

(3) The valve and its operating mechanism must be applied to the outside bottom of the inner container. The valve operating mechanism must be provided with a suitable locking arrangement to insure positive closure during transportation.

(4) Valve outlet nozzle and valve body must be of cast, fabricated or forged metal. If welded to inner container, they must be of good weldable quality in conjunction with metal of tank.

(5) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle or valve body, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1-inch threaded pipe plug.

(6) If the outlet nozzle and its closure extend below the bottom of the outer shell, a breakage groove or its equivalent must be applied. If a breakage groove is applied, a "V" must be cut (not cast) in the upper part of outlet nozzle at a point immediately below lowest part of valve to a depth that will leave thickness of nozzle wall at the root of the "V" not over one-fourth inch. The outlet nozzle or the valve body may be steam jacketed in which case the breakage groove or its equivalent must be below the steam chamber but above the bottom of the center sill construction. If the outlet nozzle is not a single piece or if exterior valves are applied, provision must be made for the equivalent of the breakage groove. On cars without continuous center sills, the breakage groove or its equivalent must not be more than 15 inches below the outer shell.

(7) The valve body must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove, or its equivalent.

(8) The valve must have no wings or stem projection below the "V" groove or its equivalent. The valve and seat must be readily accessible or removable for repairs, including grinding.

(b) Inner container may be equipped with bottom washout of approved design. If applied, bottom washout must comply with the following requirements:

(1) On newly built empty cars with truck centers through 60 feet, 6 inches, the extreme projection of the bottom washout equipment must be at least 12 inches above the top of rail on level track. On cars with truck centers greater than 60 feet, 6 inches, the minimum rail clearance must be in accordance with the graph in Appendix E of the AAR Specifications for Tank Cars.

(2) Bottom washout must be of cast, forged or fabricated metals. If it is welded to the inner container, it must be of good weldable quality in conjunction with metal of tank.

(3) If the washout nozzle extends below the bottom of the outer shell, a "V" groove must be cut (not cast) in the upper part of the nozzle at a point immedi-

ately below the lowest part of the inside closure seat or plug to a depth that will leave the wall thickness of nozzle at the root of the "V" not over one-fourth inch. Where the nozzle is not a single piece, provision must be made for the equivalent of the breakage groove. The nozzle must be of a thickness to insure that accidental breakage will occur at or below the "V" groove or its equivalent. On cars without continuous center sills, the breakage groove or its equivalent must not be more than 15 inches below the outer shell. On cars with continuous center sills, the breakage groove or its equivalent must be above the bottom of center sill construction.

(4) The closure plug and seat must be readily accessible or removable for repairs.

(5) The closure of the washout nozzle must be equipped with a $\frac{3}{4}$ -inch solid screw plug. Plug must be attached by at least a $\frac{1}{4}$ -inch chain.

(6) Joints between closures and their seats may be gasketed with suitable material.

§ 179.220-19 Safety relief devices.

(a) Each inner container or compartment must be equipped with safety relief devices of approved design as prescribed in § 179.221-1.

(b) When used, each safety relief valve must be made of metal not subject to rapid deterioration by the lading, and mounted on the top of the inner container. Total valve discharge capacity must be sufficient to prevent building up of pressure in the inner container to more than 10 p.s.i. above the start-to-discharge pressure. See AAR Specifications for Tank Cars, Appendix A, for formula for calculating discharge capacity. The start-to-discharge pressures and vapor tight pressures must comply with § 179.221-1.

(c) Each inner container or compartment used for the transportation of a corrosive liquid, a flammable solid, an oxidizing material, or a poisonous liquid or solid Class B, need not be equipped with a safety relief valve, but if not so equipped, it must have one safety vent at least $1\frac{3}{4}$ inches inside diameter made of material not subject to rapid deterioration by the lading. Each safety vent must be mounted on the top of the inner container. This vent must be of an approved design which will prevent interchange with fixtures prescribed in § 179.220-17. It must be closed with a frangible disc of lead or other approved material. Vent bursting pressure must comply with § 179.221-1. Tanks equipped with vents must be stenciled "Not for flammable liquids".

§ 179.220-20 Reinforcements, when used, and appurtenances not otherwise specified.

All attachments to inner container and outer shell must be applied by approved means.

§ 179.220-21 Interior heating system.

For heater system inside of inner container see § 179.12.

§ 179.220-22 Closure for openings.

(a) All plugs must be solid, with NPT threads, and must be of a length which will screw at least six threads inside the face of fitting or tank. Plugs, when inserted from the outside of the outer shell tank heads, must have the letter "S" at least three-eighths inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid.

(b) Openings in the outer shell used during construction for installation must be closed in an approved manner.

§ 179.220-23 Test of tanks.

(a) Each inner container or compartment must be tested hydrostatically to the pressure specified in § 179.221-1. The temperature of the pressurizing medium must not exceed 100° F. during the test. The container must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. Safety relief devices must not be in place when the test is made.

(b) The inner container must be pressure tested before installation within the outer shell. Items which, because of assembly sequence, must be welded to inner container after its installation within outer shell must have their attachment welds thoroughly inspected by a non-destructive dye penetrant method or its equivalent.

(c) Pressure testing of outer shell is not a specification requirement.

§ 179.220-24 Tests of safety relief valves.

Each safety relief valve must be tested by air or gas for compliance with § 179.221-1 before being put into service.

§ 179.220-25 Stamping.

To certify that the tank complies with all specification requirements, each outer shell must be plainly and permanently stamped in letters and figures at least 3/8-inch high into the metal near the center of both outside heads as follows:

Specifications	Examples of required stamping
Inner container:	DOT-115A60W6.
Material	ASTM A240-316L.
Shell thickness	Shell 0.167 in.
Head thickness	Head 0.150 in.
Tank builders initials	ABC.
Date of original test	00-0000.
Outer shell:	
Material	ASTM A285-C.
Tank builders initials	WYZ.
Car assembler (if other than inner container or outer shell builders).	DEF.

§ 179.220-26 Stenciling.

(a) The outer shell, or the jacket if the outer shell is insulated, must be stenciled in compliance with AAR Specifications for Tank Cars, Appendix C.

(b) Stenciling must be applied on both sides of the outer shell or jacket near the center in letters and figures at least 1 1/2 inches high to indicate the safe upper temperature limit, if applicable, for the inner tank, insulation, and the support system.

§ 179.220-27 Certificate of construction. See § 179.5.

§ 179.221 Individual specification requirements applicable to tank car tanks consisting of an inner container supported within an outer shell.

§ 179.221-1 Individual specification requirements.

In addition to § 179.220, the individual specification requirements for the inner container are as follows:

Specification	115A60W1	115A60ALW	115A60W6
Inner container material (see § 179.220-7)	Steel	Al alloy	Alloy steel.
Bursting pressure, p.s.i. (see § 179.220-5)	210	210	210
Minimum plate thickness, shell and heads, inches (see § 179.220-6)	3/4	3/4	3/4
Minimum expansion capacity (see § 179.220-10)	2 percent in tank	2 percent in tank	2 percent in tank.
Test pressure, p.s.i. (see § 179.220-23)	60	60	60.
Safety relief device (see § 179.220-19)	Valve or vent	Valve or vent	Valve or vent.
Valve start-to-discharge pressure, p.s.i. (±3 p.s.i.)	35	35	35.
Valve vapor tight pressure (minimum, p.s.i.)	23	23	23.
Valve flow rating pressure (maximum, p.s.i.)	45	45	45.
Vent rupture pressure (maximum, p.s.i.)	45	45	45.
Gaging devices (see § 179.220-17)	Required	Required	Required.
Top loading and unloading devices (see § 179.220-17)	Optional	Optional	Optional.

This amendment is effective December 31, 1971, however, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835, title 18, U.S.C.; sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on October 29, 1971.

G. H. READ,
Captain, Alternate Board Member
for the U.S. Coast Guard.

MAC E. ROGERS,
Board Member for the
Federal Railroad Administration.

[FR Doc.71-16129 Filed 11-5-71;8:45 am]

[Docket No. HM-90; Amdts. Nos. 173-59, 179-10]

PART 173—SHIPPERS

PART 179—SPECIFICATIONS FOR TANK CARS

Miscellaneous Amendments

The purpose of this amendment to the Department's Hazardous Materials Regulations is to update tank car specification requirements and to add new tank car specifications.

On August 25, 1971, the Hazardous Materials Regulations Board published Docket No. HM-90; Notice No. 71-24 (36 F.R. 16680) proposing these changes. A supplemental notice in this docket was published on September 23, 1971 (36 F.R. 18873), concerning bottom outlets on class 114A tank cars. Several comments were received.

Many of the commenters suggested editorial changes to improve on the language or the format proposed by the Board. These comments were very helpful in clarifying the intent of the regulations. The Board adopted a large portion of them.

Several comments appeared to be presented as editorial in nature but actually were not because the changes suggested would have resulted in substantial revision of materiel or construction requirements. Changes suggested but not adopted were in §§ 179.100-7(a), 197.200-7(b), 179.200-7(f), and 179.300-7(a) concerning elongation criteria for ASTM

materials, § 179.102-1 concerning examination of certain fillet welds, § 179.102-4 concerning vinyl fluoride, § 179.102-18 concerning hydrogen chloride, and § 179.200-22(c) concerning testing on other than rubber-lined tanks:

Other commenters suggested changes that were not only substantial but actually introduced new factors for evaluation on which the public should be afforded the opportunity to comment. Such changes concerned §§ 179.101-1(a) and 179.201-1(a) regarding steel and aluminum equivalencies, § 179.202-15 regarding certain tank cars in formic acid service, and § 179.300-7(a) regarding the addition of new materials. If after review of these amendments commenters are of the opinion that further consideration should be given to their comments for inclusion in future rule making, they should advise the Board.

Several comments were received regarding the Board's proposal to remove bottom outlets on class 114A tank cars. These outlets are now authorized in the regulations on DOT-114A340W tank cars. The Board now considers this a matter for separate rule making and intends to reopen the issue in a future rule making action. This will enable the Board to clearly present its reasons and conclusions to the public. Therefore, since the Board wants to be certain that proper consideration is given this subject, it is not changing the present construction requirements for the class 114A tank car.

One commenter specifically proposed that the markings "Ethylene Oxide and Propylene Oxide Only" be authorized as well as the individual marking "Ethylene Oxide Only." The Board has not amended the rule as requested but will give consideration to such a petition upon the submission of detailed data on the safe interchangeability of these products including information on cleaning between changes, if such is the practice.

Another commenter requested to know if cold ammonia would continue to be authorized in class 119A (interim proposed designation for a DOT tank car specification) tank cars under special permit since specification 119A was not covered by this docket. This class car was not a subject of this rule making action. By these amendments the Board

does not intend to preclude consideration of class 119A tank cars in ammonia service.

In consideration of the foregoing, 49 CFR Parts 173 and 179 are amended as follows:

1. In § 173.119 paragraphs (a) (12), (e) (2), (f) (4), and the introductory text of paragraph (h), tank car 111A60ALW is deleted and 111A60ALW1 is added in place thereof.

2. In § 173.264, paragraph (b) (2) is amended to read as follows:

§ 173.264 Hydrofluoric acid.

* * *

(2) Specification 105A300W, 112A 400W, 114A400W, or ARA-V¹ (§§ 179.100, 179.101, 179.102 of this chapter). Tank car equipped with special valves and appurtenances approved (§ 179.3 of this chapter) for this service. The filling density may not exceed 90 percent of the pounds water weight capacity of the tank.

3. In § 173.314 paragraph (c) table, car "114A400W" is inserted after car 112A400W in the third column of the following entries:

Butadiene (pressure not exceeding 300 pounds per square inch at 115° F.), inhibited.
Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 115° F.).

4. In Part 179 Table of Contents, Subpart C and §§ 179.200, 179.300, and 179.302 are amended to read as follows:

Subpart C—Specifications for Pressure Tank Car Tanks (Classes DOT-105, 109, 112, and 114)

Sec.

179.200 General specifications applicable to nonpressure tank car tanks (Classes DOT-103, 104, 111).

179.300 General specifications applicable to multiunit tank car tanks designed to be removed from car structure for filling and emptying. (Classes DOT-106A and 110A-W).

179.302 Special commodity requirements for multiunit tank car tanks.

5. In § 179.2, paragraph (a) (4) is amended to read as follows:

§ 179.2 Definitions and abbreviations.

(a) * * *

(4) "DOT" and "Department" mean Department of Transportation.

* * *

6. Section 179.5 is amended to read as follows:

§ 179.5 Certificate of construction.

(a) Except as provided in paragraph (b) of this section, before a tank car is placed in service, the party assembling the completed car shall furnish a Certificate of Construction, Form AAR 4-2 to the owner, the Bureau of Explosives (as required by § 179.5(d)), and the Secretary, Mechanical Division, AAR, certifying that the tank, equipment, and car

¹ Use of existing tank cars authorized, but new construction not authorized.

completed comply with all the requirements of the specification.

(b) Before a tank of Class DOT-106A, 107A, or 110A is placed in service, the builder must furnish a Certificate of Construction, Form AAR 4-2 to the owner, the Bureau of Explosives (as required by paragraph (d) of this section), and the Secretary, Mechanical Division, AAR, in addition to a Certificate of Inspector's Report as required in § 179.300-20 and § 179.500-18 in prescribed form certifying that the tank and appurtenances comply with all the requirements of the specifications.

(c) If the owner elects to furnish the appurtenances such as valves and safety devices, the owner shall furnish to the Bureau of Explosives, and to the Secretary, Mechanical Division, AAR, a report in prescribed form, certifying that the appurtenances comply with all the requirements of the specifications.

(d) When cars or tanks which are covered on one application and are identical in all details are built in series,

one certificate shall suffice for each series when submitted to the Secretary. One copy of the Certificate of Construction must be furnished to the Bureau of Explosives for each car number or consecutively numbered group or groups covered by the original application.

7. Section 179.6 is amended to read as follows:

§ 179.6 Repairs and alterations.

For procedure to be followed in making repairs or alterations, see Appendix R of the AAR Specifications for Tank Cars.

8. In § 179.12-2, paragraph (b) is amended to read as follows:

§ 179.12 Interior heater systems.

§ 179.12-2 Materials and dimensions.

(b) Piping must be not less than 2 inches IPS. Tubing must be not less than 2½ inches outside diameter and the wall thickness must be at least equivalent to the corresponding pipe size. Material specifications and nominal wall thickness must be as follows:

Material	Nominal thickness minimum ¹		Specifications ASTM
	2 inches	Over 2 inches	
Carbon steel.....	0.175.....	Schedule 40.....	A53-63a, A192-63, A178-70.
Alloy steel.....	Schedule 40S.....	Schedule 40S.....	A312-70, A269-63.
Aluminum.....	Schedule 80.....	Schedule 80.....	B211-63, B210-70, B221-63.
Nickel.....	Schedule 40.....	Schedule 40.....	B161-70.

¹ Thickness must be increased 25 percent or to next higher schedule, whichever is less, when threaded joints are used.

9. Subpart C heading is amended to read as follows:

Subpart C—Specifications for Pressure Tank Car Tanks (Classes DOT-105, 109, 112, and 114)

10. In § 179.100-3 paragraph (a), the last sentence is amended to read as follows: "Other openings in the tank are prohibited, except as provided in Part 173 of this chapter, §§ 179.100-14, 179.101-1(a) Table Note 10, § 179.102 or § 179.103." In § 179.100-4, paragraph (a) is amended; in § 179.100-6, paragraph (a) is amended; §§ 179.100-7 and 179.100-10 are amended; in § 179.100-12, paragraphs (a) and (c) are amended; in § 179.100-13, paragraph (e) is added; in § 179.100-14, paragraphs (a) (1) and (3) are amended, paragraph (a) (5) is redesignated (a) (6), a new paragraph (a) (5) is added; in § 179.100-15, paragraphs (a), (b), and (c) are amended; in § 179.100-16, the heading is amended, paragraph (a) is redesignated paragraph (b), a new paragraph (a) is added; in § 179.100-20 paragraph (a) Table, the second entry is amended to read: "Material * * * ASTM A515-70"; in § 179.100-21, paragraph (b) is added to read as follows:

§ 179.100 General specification applicable to pressure tank car tanks.

§ 179.100-4 Insulation.

(a) If insulation is applied, the tank shell and manway nozzle must be insulated with an approved material. The

entire insulation must be covered with a metal jacket of a thickness not less than 11 gage (0.1196 inch) nominal (Manufacturers' Standard Gage) and flashed around all openings so as to be weathertight. The exterior surface of a carbon steel tank, and the inside surface of a carbon steel jacket must be given a protective coating except that a protective coating is not required when foam-in-place insulation that adheres to the tank or jacket is applied.

* * *

§ 179.100-6 Thickness of plates.

(a) The wall thickness after forming of the tank shell and heads must not be less than that specified in § 179.101, nor that calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where:

d = Inside diameter in inches;

E = 1.0 welded joint efficiency; except for heads with seams = 0.9;

P = Minimum required bursting pressure in p.s.i.;

S = Minimum tensile strength of plate material in p.s.i., as prescribed in § 179.100-7;

t = Minimum thickness of plate in inches after forming.

* * *

§ 179.100-7 Materials.

(a) Steel plate: Steel plate materials used to fabricate tank shell and manway nozzle must comply with one of the following specifications with the indicated

minimum tensile strength and elongation in the welded condition. The maximum allowable carbon content must be 0.31 percent when the individual specification allows carbon greater than this amount. The plates may be clad with other approved materials.

Specifications	Minimum tensile strength (p.s.i.) welded condition ¹	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM A 515-70, Gr. 55.....	55,000	28
ASTM A 515-70, Gr. 60.....	60,000	25
ASTM A 515-70, Gr. 65.....	65,000	20
ASTM A 515-70, Gr. 70.....	70,000	20
ASTM A 285-70a, Gr. A.....	45,000	29
ASTM A 285-70a, Gr. B.....	50,000	29
ASTM A 285-70a, Gr. C.....	55,000	29
ASTM A 516-70a, Gr. 55.....	55,000	28
ASTM A 516-70a, Gr. 60.....	60,000	25
ASTM A 516-70a, Gr. 65.....	65,000	20
ASTM A 516-70a, Gr. 70.....	70,000	20
AAR TC128-70, Gr. A.....		
and B.....	81,000	19
ASTM A 537-70, Gr. A.....	70,000	23
ASTM A 302-70a, Gr. B.....	80,000	20

¹ Maximum stresses to be used in calculations.

(b) Aluminum alloy plate: Aluminum alloy plate material used to fabricate tank shell and manway nozzle must be suitable for fusion welding and must comply with one of the following specifications with its indicated minimum tensile strength and elongation in the welded condition.

Specifications	Minimum tensile strength (p.s.i.) 0 temper, welded condition ¹	Minimum elongation in 2 inches (percent) 0 temper, welded condition (longitudinal)
ASTM B 209-70, Alloy 5052 ¹	25,000	18
ASTM B 209-70, Alloy 5083 ²	38,000	16
ASTM B 209-70, Alloy 5086 ¹	35,000	14
ASTM B 209-70, Alloy 5154 ¹	30,000	18
ASTM B 209-70, Alloy 5254 ¹	30,000	18
ASTM B 209-70, Alloy 5454 ¹	31,000	18
ASTM B 209-70, Alloy 5652 ¹	25,000	18
ASTM B 209-70, Alloy 6061 ⁴	² 24,000	⁵ 5

¹ For fabrication, the parent plate material may be 0, H112, or H32 temper, but design calculations must be based on minimum tensile strength shown.

² 0 temper only.

³ Weld filler metal 5556 must not be used.

⁴ Not authorized for tank shells, manways or domes.

⁵ T6 temper only.

⁶ Maximum stress to be used in calculations.

(c) All attachments welded to tank shell must be of approved material which is suitable for welding to the tank.

§ 179.100-10 Postweld heat treatment.

(a) After welding is complete, steel tanks and all attachments welded thereto must be postweld heat treated as a unit in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W.

(b) For aluminum tanks, postweld heat treatment is prohibited.

§ 179.100-12 Manway nozzle, cover and protective housing.

(a) Manway nozzles must be of approved design of forged or rolled steel for steel tanks or of fabricated aluminum alloy for aluminum tanks, with access opening at least 18 inches inside diameter, or at least 14 inches by 18 inches obround or oval. Nozzle must be welded to the tank and the opening reinforced in an approved manner in compliance with the requirements of AAR Specifications for Tank Cars, Appendix E, Figure E10.

(c) Except as provided in § 179.103, protective housing of cast, forged or fabricated approved materials must be bolted to manway cover with not less than twenty ¾-inch studs. The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of the shearing value of bolts attaching manway cover to manway nozzle. Housing must have steel side-walls not less than three-fourths inch in thickness and must be equipped with a metal cover not less than one-fourth inch in thickness that can be securely closed. Housing cover must have suitable stop to prevent cover striking loading and unloading connections and be hinged on one side, only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

§ 179.100-13 Venting, loading, and unloading valves, measuring and sampling devices.

(e) Bottom of tank shell may be equipped with a sump or siphon bowl, or both, welded or pressed into the shell. Such sumps or siphon bowls, if applied, are not limited in size and must be made of cast, forged or fabricated metal. Each sump or siphon bowl must be of good welding quality in conjunction with the metal of the tank shell. When the sump or siphon bowl is pressed in the bottom of the tank shell, the wall thickness of the pressed section must not be less than that specified for the shell. The section of a circular cross section tank to which a sump or siphon bowl is attached need not comply with the out-of-roundness requirement specified in AAR Specifications for Tank Cars, Appendix W, W14.06. Any portion of a sump or siphon bowl not forming a part of cylinder of revolution must have walls of such thickness and be so reinforced that the stresses in the walls caused by a given internal pressure are no greater than the circumferential stress which would exist under the same internal pressure in the wall of a tank of circular cross section designed in accordance with § 179.100-6(a). In no case less than that specified in § 179.101-1 (a).

§ 179.100-14 Bottom outlets.

(a) * * *

(1) On newly built and empty cars with truck centers through 60 feet, 6 inches, the extreme projection of the bottom washout equipment must be at

least 12 inches above the top of rail on level track. On cars with truck centers greater than 60 feet, 6 inches, the minimum rail clearance must be in accordance with the graph in Appendix E of the AAR Specifications for Tank Cars.

(3) If bottom washout nozzle extends 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of the nozzle at a point immediately below the lowest part of inside closure seat or plug to a depth that will leave wall thickness of nozzle at the root of the "V" not over one-fourth inch. Where nozzle is not a single piece, provision must be made for the equivalent of the breakage groove. The nozzle must be of a thickness to insure that accidental breakage will occur at or below the "V" groove or its equivalent. On cars without continuous center sills, the breakage groove or its equivalent must not be more than 15 inches below the tank shell. On cars with continuous center sills, the breakage groove or its equivalent must be above the bottom of the center sill construction.

(5) The closure of the washout nozzle must be equipped with a ¾-inch solid screw plug. Plug must be attached by at least a ¼-inch chain.

(6) Joints between closures and their seats may be gasketed with suitable material.

§ 179.100-15 Safety relief valves.

(a) The tank must be equipped with one or more safety relief valves of approved design, made of metal not subject to rapid deterioration by the lading. The safety relief valve, or valves, must be mounted on manway cover, except as provided in § 179.103. The total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 82½ percent of the tank test pressure or 10 p.s.i. above the start-to-discharge pressure, whichever is higher. The start-to-discharge and vapor-tight pressures must comply with § 179.101 and must not be affected by any auxiliary closure or other combination. For certain commodities, alternate pressures are permitted (see § 179.102-11). See AAR Specifications for Tank Cars, Appendix A, for formula for calculating discharge capacity.

(b) When a safety relief valve is used in combination with a breaking pin device, the breaking pin device must be designed to fail at a pressure of 75 percent of the tank test pressure and safety relief valve must be set for a start-to-discharge pressure of 71 percent of the tank test pressure. However, for spec. DOT-105A500W tanks, the start-to-discharge pressure must be 360 p.s.i. For certain commodities, alternate pressures are permitted (see § 179.102-11).

(c) When a safety relief valve is used in combination with a frangible disc, the frangible disc must be designed to burst at a pressure of 75 percent of the tank test pressure and the safety relief valve

must be set for a start-to-discharge pressure of 71 percent of the tank test pressure, as prescribed in § 179.101. Provisions must be made to prevent any accumulation of pressure between the frangible disc and safety relief valve. For certain commodities, alternate pressures are permitted (see § 179.102-11).

§ 179.100-16 Attachments.

(a) Reinforcing pads must be used between external brackets and shells if the attachment welds exceed 6 linear inches of ¼-inch fillet or equivalent

weld per bracket or bracket leg. When reinforcing pads are used, they must not be less than one-fourth inch in thickness, have each corner rounded to a 1 inch minimum radius, and be attached to the tank by continuous fillet welds except for venting provisions. The ultimate shear strength of the bracket-to-reinforcing pad weld must not exceed 85 percent of the ultimate shear strength of the reinforcing pad-to-tank weld.

§ 179.100-21 Stenciling.

(b) Water capacity stencil is required.

11. In § 179.101-1 paragraph (a), the table is amended in its entirety to read as follows:

§ 179.101 Individual specification requirements applicable to pressure tank car tanks.

§ 179.101-1 Individual specification requirements.

(a) * * *

DOT specifications	105A100ALW	105A100W	105A200ALW	105A200F	105A200W	105A300ALW	105A300W	105A400W	105A500W	105A600W
Material (see 179.100-7)	Al alloy Required	Steel Required	Al alloy Required	Steel Required	Steel Required	Al alloy Required	Steel Required	Steel Required	Steel Required	Steel Required
Insulation (see 179.100-4)										
Bursting pressure, p.s.i. (see 179.100-5)	500	500	500	500	500	750	750	1,000	1,250	1,500
Minimum plate thickness, inches, shell and heads	5/8	3/4	5/8	3/4	3/4	5/8	1 1/8	1 1/8	1 1/8	1 1/8
Test pressure, p.s.i. (see 179.100-18)	100	100	200	See 179.104	200	300	300	400	500	600
Safety relief valves, p.s.i.: ¹										
Start-to-discharge pressure, p.s.i.	75	75	150	150	150	225	225	300	375	450
Start-to-discharge tolerance, p.s.i.	±3.0	±3.0	±4.5	±4.5	±4.5	±6.75	±6.75	±9.0	±11.25	±13.5
Vapor tight (minimum), Pressure, p.s.i.	60	60	120	120	120	180	180	240	300	360
Valve flow rating pressure (maximum p.s.i.)	85	85	165	165	165	247.5	247.5	330	412.5	495
Manway cover, thickness, inches (minimum)	2 1/4	2 1/4	2 1/4	2 1/4	2 1/4	2 3/4	2 3/4	2 3/4	2 3/4	2 3/4
Special references	179.102-3	179.102-3	179.102-3	179.102-3	179.102-3	179.102-3	179.102-3	179.102-3	179.102-3	179.102-3
		179.102-6		179.102-17	179.102-6				179.102-3	179.102-3
		179.102-12		179.104	179.102-17				179.102-3	179.102-3
		179.102-17							179.102-9	179.102-9
		179.102-20							179.102-10	179.102-10
									179.102-14	179.102-17
									179.102-11	
									179.102-13	
									179.102-15	
									179.102-16	
									179.102-17	
Bottom washout	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Bottom outlet	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

DOT specifications	109A100ALW	109A200ALW	109A300ALW	109A300W	112A200W	112A340W	112A400F ¹¹	112A400W	112A500W	114A340W	114A400W
Material (see 179.100-7)	Al alloy Optional	Al alloy Optional	Al alloy Optional	Steel Optional	Steel ¹ None	Steel ¹ None	Steel	Steel ¹ None	Steel ¹ None	Steel ¹ None	Steel ¹ None
Insulation (see 179.100-4)											
Bursting pressure, p.s.i. (see 179.100-5)	500	500	750	750	500	850		1,000	1,250	850	1,000
Minimum plate thickness, inches, shell and heads	5/8	5/8	5/8	1 1/8	3/4	1 1/8		1 1/8	1 1/8	1 1/8	1 1/8
Test pressure, p.s.i. (see 179.100-18)	100	200	300	300	200	340		400	500	340	400
Safety relief valves, p.s.i.: ¹											
Start-to-discharge pressure, p.s.i.	75	150	225	225	150	255		300	375	255	300
Start-to-discharge tolerance, p.s.i.	±3.0	±4.5	±6.75	±6.75	±4.5	±7.65		±9.0	±11.25	±7.65	±9.0
Vapor tight (minimum), Pressure, p.s.i.	60	120	180	180	120	204		210	300	204	210
Valve flow rating pressure (maximum p.s.i.)	85	165	247.5	247.5	165	280.5		330	412.5	280.5	330
Manway cover, thickness, inches, (minimum)	2 1/4	2 1/4	2 3/4	2 3/4	2 1/4	2 3/4		2 1/4	2 1/4	(¹²)	(¹³)
Special references					179.102-3	179.102-3		179.102-3	179.102-3	179.102-11	179.102-11
					179.102-17	179.102-11		179.102-6	179.102-17	179.103	179.103
						179.102-17		179.102-11		179.102-17	179.102-13
								179.102-13			179.102-17
								179.102-17			
Bottom washout	Optional	Optional	Optional	Optional	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Optional	Optional
Bottom outlet	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Optional	Optional

¹ When steel of 65,000 to 81,000 p.s.i. minimum tensile strength is used, the thickness of plates shall be not less than 5/8 inch, and when steel of 81,000 p.s.i. minimum tensile strength is used, the minimum thickness of plate shall be not less than 3/4 inch.

² When approved material other than aluminum alloys are used, the thickness shall be not less than 2 1/4 inches.

³ When steel of 65,000 p.s.i. minimum tensile strength is used, minimum thickness of plates shall be not less than 1/2 inch.

⁴ At least the upper two-thirds of the exterior of the tank, manway nozzle and all appurtenances in contact with this area of the tank shall have a finish coat of white paint.

⁵ For inside diameter of 87 inches or less, the thickness of plates shall be not less than 1/2 inch.

⁶ See 179.102-11 for optional setting for certain commodities.

⁷ See AAR specifications for tank cars, appendix E, E4.01 and 179.103-2.

⁸ Purposely left blank.

⁹ When the use of nickel is required by the lading, the thickness shall not be less than 2 inches.

¹⁰ Each tank head may be equipped with not more than one opening for use in purging tank interior.

¹¹ Tanks converted to DOT-112A400F from existing forged specification DOT-105A500 tanks by modification using conversion details complying with DOT-112A400W specification requirements, shall be stenciled by substituting the letter "F" for the letter "W" in the specification designation.

12. In § 179.102-1, the introductory text of paragraph (a) and paragraph (a)(1) are amended; in § 179.102-2, paragraph (a)(4) is amended; in § 179.102-3, paragraph (a) is amended; in § 179.102-5, the introductory text of paragraph (a) is amended; in § 179.102-6, paragraph (a) is amended; in § 179.102-7, the introductory text of paragraph (a) is amended; in § 179.102-8, the heading and the introductory text of paragraph (a) are amended; in § 179.102-9 and § 179.102-10, the introductory text of paragraph (a) is amended; § 179.102-11 is amended; §§ 179.102-12 through 179.102-17 and 179.102-20 are added to read as follows:

§ 179.102 Special commodity requirements for pressure tank car tanks.

§ 179.102-1 Liquefied carbon dioxide.

(a) Tank cars used to transport liquefied carbon dioxide must comply with the following special requirements:

(1) All plates for tank, manway nozzle and anchorage of tanks used in the transportation of liquid carbon dioxide must be made of carbon steel complying with ASTM Specification A300-68, Class 1. Impact specimens must be Type A Charpy V-notch as shown in ASTM Specification A370-68 and must meet the impact requirements at minus 50° F. using steel meeting requirements of ASTM Specification A516-70a, Grade 55, 60, 65, or 70, or AAR Specification TC128-70, Grade B. Production-welded test plates prepared as required by W4.00 of AAR Specifications for Tank Cars, Appendix W, must include impact test specimens of weld metal and head-affected zone.

§ 179.102-2 Chlorine.

(a) (4) Tanks must be fabricated from carbon steel complying with ASTM Specification A516-70a, Grade 70, or AAR Specification TC-128-70, Grade A or B.

§ 179.102-3 Liquefied flammable gases.

(a) Any authorized tank car used to transport liquefied flammable gases must comply with the following special requirements:

(1) The interior pipes of the loading and unloading valves and sampling valves, also the gaging device when it provides a means for passage of the lading from the interior to the exterior of the tank, must be equipped with excess flow valves of an approved design. If the opening for passage of lading through the gaging device is not more than 0.060-inch diameter, an excess flow valve is not required.

(2) The protective housing cover must be provided with an opening above each safety relief valve which must be concentric with the discharge of the valve and have an area at least equal to the valve outlet area. Each opening must be provided with a weatherproof cover designed for vertical discharge.

(3) Gaskets for manway cover plates and for mounting of fittings must be asbestos type or approved high-temperature resistant equivalent.

§ 179.102-5 Nitrosyl chloride.

(a) Tank cars used to transport nitrosyl chloride must comply with the following special requirements:

§ 179.102-6 Vinyl chloride or vinyl methyl ether, inhibited.

(a) Tank cars used to transport vinyl chloride, or vinyl methyl ether, inhibited, must comply with the following special requirements:

(1) All parts of valves and safety relief devices in contact with the lading must be of a metal or other material suitably treated, if necessary, which will not cause formation of any acetylides.

(2) The interior pipes of the loading and unloading valves and sampling valve, also the gaging device when it provides a means for passage of the lading from the interior to the exterior of the tank, must be equipped with excess flow valves of an approved design. If the opening for passage of lading through the gaging device is not more than 0.060 inch diameter, an excess flow valve is not required.

(3) For vinyl chloride in spec. DOT-105A200W tank cars, openings in tank heads to facilitate nickel lining are authorized if closed in an approved manner.

(4) For alternate safety relief valve settings, see § 179.102-11.

(5) For gasket requirements, see § 179.102-11(b).

§ 179.102-7 Bromine.

(a) Tank cars used to transport bromine must comply with the following special requirements:

§ 179.102-8 Motor fuel antiknock compound.

(a) Tank cars used to transport motor fuel antiknock compounds must comply with the following special requirements:

§ 179.102-9 Nitrogen tetroxide or nitrogen tetroxide-nitric oxide mixtures.

(a) Tank cars used to transport nitrogen tetroxide or nitrogen tetroxide-nitric oxide mixtures must comply with the following special requirements:

§ 179.102-10 Hydrocyanic acid.

(a) Tank cars used to transport hydrocyanic acid must comply with the following special requirements:

§ 179.102-11 Liquefied petroleum gas, butadiene, anhydrous ammonia, methylacetylene-propadiene, stabilized, or vinyl chloride.

(a) Tank cars used to transport liquefied petroleum gas, butadiene, anhydrous ammonia, methylacetylene-propadiene, stabilized, or vinyl chloride may as an alternate comply with the following special requirements:

(1) Safety relief valves may be set to the following pressures, provided the total valve discharge capacity is sufficient to prevent building up pressure in the tank in excess of 90 percent of the tank test pressure.

Safety relief valves, p.s.i.	DOT specifications			
	105A200W	112A200W, 114A200W	112A400W, 114A400W	
Start-to-discharge pressure.....	247.5	250.5	320	
Start-to-discharge tolerance.....	±7.5	±8.4	±10	
Vapor light pressure (minimum).....	150	224	254	
Flow rating pressure.....	270	286	330	

(b) Gaskets for manway covers and for mounting of fittings must be asbestos type or approved high-temperature resistant equivalent.

§ 179.102-12 Ethylene oxide.

Tank cars used to transport ethylene oxide must be registered and jackets stenciled DOT-105A100 or DOT-105A100W and equipped with the safety relief valve required by such specifications. Tanks may have openings in the heads to facilitate nickel lining provided openings are closed in an approved manner. No copper or copper bearing alloys shall be used in any part of the tank or appurtenances if such part is normally in contact with ethylene oxide liquid or vapor. Tank jacket must be stenciled on both sides in letters not less than 1½ inches high "Ethylene Oxide Only."

§ 179.102-13 Hydrofluoric acid, anhydrous.

(a) Tank cars used to transport hydrofluoric acid, anhydrous, must comply with the following special requirements:

(1) Tanks must be equipped with valves and appurtenances approved for this particular service, made of metal not subject to rapid deterioration by the lading. For safety relief valves, see § 179.100-15 (b) and (c).

(2) For spec. DOT-114A400W tanks, valves and fittings must be located on the top of the tank.

(3) Bottom opening in tank prohibited.

§ 179.102-14 Acrolein inhibited.

Tank cars used to transport acrolein inhibited must be spec. DOT-105A300W, or higher rated tanks registered and jackets stenciled DOT-105A200W and must be equipped with the safety relief valve required by that specification. Jackets must be stenciled on both sides in letters not less than 1½ inches high "Acrolein Only."

§ 179.102-15 Sodium, metallic.

Tank cars used to transport metallic sodium must have exterior heater coils fusion welded to tank shell.

§ 179.102-16 Sulfur trioxide stabilized.

Tank cars used to transport sulfur trioxide stabilized must be equipped with

safety relief valves of approved design. Tanks equipped with interior heating coils not permitted.

§ 179.102-17 Flammable liquids not specifically provided for.

Tank cars used to transport flammable liquids not specifically provided for may be equipped with openings in tank heads to facilitate application of lining provided openings are closed in approved manner.

§ 179.102-20 Dimethyl hydrazine unsymmetrical.

Tank cars used to transport dimethyl hydrazine may have openings in the heads to facilitate nickel lining provided openings are closed in an approved manner. Class DOT-105AW tank cars used to transport dimethyl hydrazine unsymmetrical must be stenciled DOT-105A100W. Tanks must be equipped with steel or stainless steel safety relief valves of the type and size used on spec. DOT-105A100W tank cars.

13. In § 179.103-3, paragraphs (b) and (c) are amended; § 179.103-4 is amended; § 179.103-5 is added to read as follows:

§ 179.103 Special requirements for class 114A * * * tank car tanks.

§ 179.103-3 Venting, loading and unloading valves, measuring and sampling devices.

(b) These valves and appurtenances must be grouped in one location and, except as provided in § 179.103-5, must be equipped with a protective housing with cover, or may be recessed into tank shell with cover. An additional set grouped in another location may be provided. Protective housing with cover, when used, must have steel sidewalls not less than three-fourths inch in thickness and a metal cover not less than one-fourth inch in thickness that can be securely closed. Underframe sills are an acceptable alternate to the protective housing cover, provided the arrangement is of approved design. For fittings recessed into tank shell, protective cover must be metal and not less than one-fourth inch in thickness.

(c) When tank car is used to transport liquefied flammable gases, the interior pipes of the loading, unloading, and sampling valves must be equipped with excess flow valves of approved design except when quick closing internal valves of approved design are used. When the interior pipe of the gaging device provides a means for the passage of lading from the interior to the exterior of the tank, it must be equipped with an excess flow valve of approved design or with an orifice not exceeding 0.060 inch.

§ 179.103-4 Safety relief devices and pressure regulators.

(a) Safety relief devices and pressure regulators must be located on top of the tank near the center of the car on a nozzle, mounting plate or recess in the shell.

Through or stud bolts, if used, must not enter the tank.

(b) Metal guard of approved design must be provided to protect safety relief devices and pressure regulators from damage.

§ 179.103-5 Bottom outlets.

(a) In addition to or in place of the venting, loading and unloading valves, measuring and sampling devices as prescribed in § 179.103-3, tanks may be equipped with approved bottom outlet valves. If applied, bottom outlet valves must meet the following requirements:

(1) When external bottom outlet valve without interior pipes is used in liquefied flammable gas service, the valve opening must be closed with an internal bolted or self-energizing closure of approved design. Protective housing is not required. On cars with center sills, a ball valve may be welded to the outside bottom of the tank or mounted on a pad or nozzle with a tongue and groove or male and female flange attachment, but in no case shall the breakage groove or equivalent extend below the bottom flange of the center sill. On cars without continuous center sills, a ball valve may be welded to the outside bottom of the tank or mounted with a tongue and groove or male and female flange attachment on a pad attached to the outside bottom of the tank. The mounting pad must have a maximum thickness of 2½ inches measured on the longitudinal centerline of the tank. The valve operating mechanism must be provided with a suitable locking arrangement to insure positive closure during transit.

(2) When internal bottom outlet valve is used in liquefied flammable gas service, the outlet of the valve must be equipped with an excess flow valve of approved design, except when a quick-closing internal valve of approved design is used. Protective housing is not required.

(3) Bottom outlet valve must be equipped with a liquid tight closure at its lower end.

(b) Bottom outlet equipment must be of approved design and must meet the following requirements:

(1) On newly built empty cars with truck centers through 60 feet, 6 inches, the extreme projection of the bottom outlet equipment must be at least 12 inches above the top of rail on level track. On cars with truck centers greater than 60 feet, 6 inches, the minimum rail clearance must be in accordance with the graph in Appendix E of the AAR Specifications for Tank Cars. All bottom outlet reducers and closures and their attachments must be secured to car by at least ¾-inch chain or its equivalent, except that outlet closure plugs may be attached by ¼-inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection to the valve must be closed by a plug, cap, or approved quick-coupling device.

(2) Bottom outlet must be provided with a liquid tight closure at its lowest end.

(3) The valve operating mechanism must be provided with a suitable locking

arrangement to insure positive closure during transit.

(4) If outlet nozzle extends 6 inches or more from shell of tank, a breakage groove or its equivalent must be provided immediately below the lowest part of the valve. Breakage groove, if used, must consist of a "V" groove cut (not cast) in the nozzle to depth that will leave thickness of nozzle wall at the root of the "V" not over one-fourth inch. On cars without continuous center sills, the breakage groove or its equivalent must not be more than 15 inches below the tank shell. On cars with continuous center sills, the breakage groove or its equivalent must be above the bottom of the center sill construction.

(5) The valve body must be of a thickness which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove, or its equivalent, and will not cause distortion of the valve seat or valve.

14. In § 179.104-1, the heading is amended to read as follows:

§ 179.104 Special requirements for spec. 105A200F tank car tanks.

§ 179.104-1 Tanks built under these specifications must meet the requirements of §§ 179.100, 179.101, and when applicable, § 179.102 and § 179.104.

15. In §§ 179.200 and 179.200-1, the headings are amended in § 179.200-3, paragraph (a) is amended; in § 179.200-4, paragraph (a) is amended; in § 179.200-6, paragraphs (a), (b), (c), (d), (e), and (f) are amended, paragraph (g) is added; § 179.200-7 is amended; in § 179.200-8, paragraphs (a) and (b) are amended, paragraph (c) is canceled; in § 179.200-9, paragraph (a) is amended; in § 179.200-10, paragraph (b) is added; § 179.200-11 is amended; in § 179.200-13, the introductory text of paragraph (d) is amended; in § 179.200-14, paragraph (e)(3) is amended; in § 179.200-16, paragraph (c) is amended; in § 179.200-16, paragraphs (c) and (e) are amended, paragraphs (f) and (g) are added; in § 179.200-17, paragraph (a) and paragraphs (b)(1), (3), and (4) are amended, paragraph (b)(5) is redesignated (b)(6), a new paragraph (b)(5) is added; in § 179.200-19, paragraph (b) is added; in § 179.200-24, paragraph (b) is added to read as follows:

§ 179.200 General specifications applicable to nonpressure tank car tanks (Classes DOT-103, 104, and 111).

§ 179.200-1 Tanks built under these specifications must meet the requirements of §§ 179.200, 179.201, and when applicable § 179.202.

§ 179.200-3 Type.

Tank built under these specifications must be circular in cross section, with formed heads designed convex outward. When specified in § 179.201-1, the tank must have at least one manway or one expansion dome with manway, and such

other external projections as are prescribed herein. When the tank is divided into compartments, each compartment must be treated as a separate tank.

§ 179.200-4 Insulation.

(a) If insulation is applied, the tank shell and expansion dome when used must be insulated with an approved material. The entire insulation must be covered with a metal jacket of a thickness not less than 11 gage (0.1196 inch) nominal (Manufacturer's Standard Gage) and flashed around all openings so as to be weather tight. The exterior surface of a carbon steel tank and the inside surface of a carbon steel jacket must be given a protective coating, except that protective coating is not required when foam-in-place insulation that adheres to the tank or jacket is applied.

§ 179.200-6 Thickness of plates.

(a) The wall thickness after forming of the tank shell, dome shell, and of 2:1 ellipsoidal heads must be not less than specified in § 179.201-1, nor that calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where:

- d=Inside diameter in inches;
- E=0.9 Welded joint efficiency; except E=1.0 for seamless heads;
- P=Minimum required bursting pressure in p.s.i.;
- S=Minimum tensile strength of plate material in p.s.i. as prescribed in § 179.200-7;
- t=Minimum thickness of plate in inches after forming.

(b) The wall thickness after forming of 3:1 ellipsoidal heads must be not less than specified in § 179.201-1, nor that calculated by the following formula:

$$t = \frac{Pd}{2SE} \times 1.83$$

where:

- d=Inside diameter in inches;
- E=0.9 Welded joint efficiency; except E=1.0 for seamless heads;
- P=Minimum required bursting pressure in p.s.i.;
- S=Minimum tensile strength of plate material in p.s.i. as prescribed in § 179.200-7;
- t=Minimum thickness of plate in inches after forming.

(c) The wall thickness after forming of a flanged and dished head must be not less than specified in § 179.201-1, nor that calculated by the following formula:

$$t = \frac{5PL}{6SE}$$

where:

- E=0.9 Welded joint efficiency; except E=1.0 for seamless heads;
- L=Main inside radius to which head is dished, measured on concave side in inches;
- P=Minimum required bursting pressure in p.s.i.;
- S=Minimum tensile strength of plate material in p.s.i. as prescribed in § 179.200-7;
- t=Minimum thickness of plate in inches after forming.

(d) If plates are clad with material having tensile strength properties at least equal to the base plate, the cladding may be considered a part of the base plate when determining thickness. If cladding material does not have tensile strength at least equal to the base plate, the base plate alone must meet the thickness requirements.

(e) For a tank constructed of longitudinal sections, the minimum width of bottom sheet of the tank must be 60 inches measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the bolster.

(f) For a tank built of one piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical section.

(g) See § 179.200-9 for thickness requirements for a compartmented tank.

§ 179.200-7 Materials.

(a) Plate material used to fabricate the tank and, when used, expansion dome or manway nozzle material, must meet one of the following specifications with the indicated minimum tensile strength and elongation in the welded condition.

(b) Carbon steel plate: The maximum allowable carbon content must be 0.31 percent when the individual specification allows carbon content greater than this amount. The plates may be clad with other approved materials:

Specifications	Minimum tensile strength (p.s.i.) welded condition ¹	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM A 515-70, Gr. 55....	55,000	23
ASTM A 515-70, Gr. 60....	60,000	23
ASTM A 515-70, Gr. 65....	65,000	23
ASTM A 516-70, Gr. 70....	70,000	23
ASTM A 285-70a, Gr. A....	45,000	20
ASTM A 285-70a, Gr. B....	49,000	20
ASTM A 285-70a, Gr. C....	55,000	20
ASTM A 516-70a, Gr. 65....	65,000	23
ASTM A 516-70a, Gr. 60....	60,000	23
ASTM A 516-70a, Gr. 55....	55,000	23
ASTM A 516-70a, Gr. 70....	70,000	23
AAR TC123-70, Gr. A and B.....	81,000	19

¹ Maximum stresses to be used in calculations.

(c) Aluminum alloy plate: Aluminum alloy plate must be suitable for welding and comply with one of the following specifications:

Specifications	Minimum tensile strength (p.s.i.) 0 temper welded condition ¹	Minimum elongation in 2 inches (percent) 0 temper welded condition (longitudinal)
ASTM B 209-70, Alloy 6032 ¹	55,000	18
ASTM B 209-70, Alloy 6063 ²	55,000	10
ASTM B 209-70, Alloy 6069 ³	55,000	14
ASTM B 209-70, Alloy 6164 ⁴	55,000	18
ASTM B 209-70, Alloy 6264 ⁵	55,000	18
ASTM B 209-70, Alloy 6164 ⁶	51,000	18
ASTM B 209-70, Alloy 6361 ⁷	55,000	15
ASTM B 209-70, Alloy 6961 ⁸	51,000	16

¹ For fabrication, the parent plate material may be 0, H112, or H32 temper, but design calculations must be based on minimum tensile strength shown.

² 0 temper only.

³ Weld filler metal 5356 must not be used.

⁴ Not authorized for tank shells, manways or domes.

⁵ T6 temper only.

⁶ Maximum stresses to be used in calculations.

(d) High alloy steel plate: High alloy steel plate must comply with one of the following specifications:

Specification ¹	Minimum tensile strength (p.s.i.) welded condition ¹	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM A 213-70, Type 304L....	75,000	30
ASTM A 213-70, Type 304L....	70,000	20
ASTM A 213-70, Type 316L....	75,000	30
ASTM A 213-70, Type 316L....	70,000	30
ASTM A 213-70, Type 430A....	65,000	22

¹ Maximum stresses to be used in calculations.

² High alloy steel materials used to fabricate tank and expansion dome, when used, must be tested in accordance with the following procedures in ASTM Specification A 262-63 titled, "Recommended Practices for Detecting Susceptibility to Intergranular Attack in Stainless Steels," and must exhibit corrosion rates not exceeding the following:

Test procedure	Material	Corrosion rate l.p.m.
Practice B.....	Types 304, 304L, 316, and 316L	0.0010
Practice C.....	Type 304L.....	0.0030
Practice C.....	Type 430A.....	0.0030

Type 304L and Type 316L test specimens must be given a sensitizing treatment prior to testing. (A typical sensitizing treatment is 1 hour at 125° F.)

(e) Nickel plate: Nickel plate must comply with the following specification:

Specification	Minimum tensile strength (p.s.i.) welded condition ¹	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM B 162-60 ²	40,000	20

¹ Maximum stresses to be used in calculations.

² When used as cladding for carbon steel plate, low carbon nickel is required.

(f) Manganese-molybdenum steel plate: Manganese-molybdenum steel plate must be suitable for fusion welding and comply with the following specification:

Specifications	Minimum tensile strength (p.s.i.) welded condition ¹	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM A 532-60a, Gr. B....	80,000	20

¹ Maximum stresses to be used in calculations.

(g) All parts and items of construction in contact with the lading must be made of material compatible with plate material and not subject to rapid deterioration by the lading, or be coated or lined with suitable corrosion resistant material.

(h) All external projections which may be in contact with the lading and all castings, forgings, or fabrications used for fittings or attachments to tank and expansion dome, when used, in contact with lading must be made of material to

an approved specification. See AAR Specifications for Tank Cars, Appendix M, M4.05 for approved material specifications for castings for fittings.

§ 179.200-3 Tank heads.

(a) All external tank heads must be an ellipsoid of revolution in which the major axis must equal the diameter of the shell and the minor axis must be one-half the major axis.

(b) Internal compartment tank heads may be 2:1 ellipsoidal, 3:1 ellipsoidal, or flanged and dished to thicknesses as specified in § 179.200-6. Flanged and dished heads must have main inside radius not exceeding 10 feet, and inside knuckle radius must not be less than 3¼ inches for steel, alloy steel, or nickel tanks, and not less than 5 inches for aluminum alloy tanks.

(c) [Canceled]

§ 179.200-9 Compartment tanks.

(a) When a tank is divided into compartments, by inserting interior heads, interior heads must be inserted in accordance with AAR Specifications for Tank Cars, Appendix E, E7.00, and must comply with the requirements specified in § 179.201-1. Voids between compartment heads must be provided with at least one tapped drain hole at their lowest point, and a tapped hole at the top of the tank. Top hole must be closed, and the bottom hole may be closed, with not less than three-fourths inch nor more than 1½ inches solid pipe plugs having NPT threads.

§ 179.200-10 Welding.

(b) Welding is not permitted on or to ductile iron or malleable iron fittings.

§ 179.200-11 Postweld heat treatment.

After welding is complete, postweld heat treatment must be in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W, when specified in § 179.201.1.

§ 179.200-13 Manway ring or flange, safety relief device flange, bottom outlet nozzle flange, bottom washout nozzle flange and other attachments and openings.

(d) Rivets, if used, must comply with AAR Specification M-110-64 or its equivalent, must be compatible with plate material, and must meet the following additional requirements:

§ 179.200-14 Expansion capacity.

(e) * * *

(3) The dome head, if dished, must be dished to a radius not exceeding 96 inches. Thickness of dished dome head must be calculated by the formula in § 179.200-6(c).

§ 179.200-15 Closures for manways.

(c) Manway covers must be of approved cast, forged, or fabricated metals. Malleable iron, if used, must comply with ASTM A47-68, Grade 35018. Cast iron manway covers must not be used.

§ 179.200-16 Gaging devices, top loading and unloading devices, venting and air inlet devices.

(c) A tank may be equipped with a vacuum relief valve of an approved design. Protective housing is not required.

(e) Bottom of tank shell may be equipped with a sump or siphon bowl, or both, welded or pressed into the shell. Such sumps or siphon bowls, if applied, are not limited in size and must be made of cast, forged, or fabricated metal. Each sump or siphon bowl must be of good welding quality in conjunction with the metal of the tank shell. When sump or siphon bowl is pressed in the bottom of the tank shell, the wall thickness of the pressed section must not be less than that specified for the shell. The section of a circular cross section tank to which a sump or siphon bowl is attached need not comply with the out-of-roundness requirement specified in Appendix W, W14.06, of the AAR Specifications for Tank Cars. Any portion of a sump or siphon bowl not forming a part of a cylinder of revolution must have walls of such thickness and be so reinforced that the stresses in the walls caused by a given internal pressure are not greater than the circumferential stress which would exist under the same internal pressure in the wall of a tank of circular cross section designed in accordance with § 179.200-6 (a) and (d). In no case shall the wall thickness be less than that specified in § 179.201-1(a).

(f) When top loading and discharge devices, or venting and air inlet devices are installed with exposed piping to a removed location, shutoff valves must be applied directly to reinforcing pads or nozzles at their communication through the tank shell, and must be enclosed in a protective housing with provision for a seal. The piping must include breakage grooves, and suitable bracing. Relief valves must be applied to liquid lines for protection in case lading is trapped. Provision must be made to insure closure of the valves while the car is in transit.

(g) Protective housing, when required, must be fabricated of approved material and have cover and sidewalls not less than 0.119 inch in thickness.

§ 179.200-17 Bottom outlets.

(a) If indicated in § 179.201-1, tank may be equipped with bottom outlet. Bottom outlet, if applied, must comply with the following requirements:

(1) On newly built empty cars with truck centers through 60 feet, 6 inches, the extreme projection of the bottom outlet equipment must be at least 12 inches above the top of rail on level track. On cars with truck centers greater than 60 feet, 6 inches, the minimum rail clear-

ance must be in accordance with the graph in Appendix E of the AAR Specifications for Tank Cars. All bottom outlet reducers and closures and their attachments must be secured to car by at least ¾-inch chain or its equivalent, except that outlet closure plugs may be attached by ¼-inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection to the valve must be closed by a plug, cap, or approved quick coupling device.

(2) Bottom outlet must be of approved construction, and be provided with a liquid-tight closure at its lower end.

(3) On cars with center sills, a ball valve may be welded to the outside bottom of the tank or mounted on a pad or nozzle with a tongue and groove or male and female flange attachment. In no case shall the breakage groove or equivalent extend below the bottom flange of the center sill. On cars without continuous center sills, a ball valve may be welded to the outside bottom of the tank or mounted with a tongue and groove or male and female flange attachment on a pad attached to the outside bottom of the tank. The mounting pad must have a maximum thickness of 2½ inches measured on the longitudinal centerline of the tank. The valve operating mechanism must be provided with a suitable locking arrangement to insure positive closure during transit.

(4) The valve operating mechanism for valves applied to the interior of the tank, and outlet nozzle construction, must insure against the unseating of the valve due to stresses or shocks incident to transportation.

(5) Bottom outlet nozzle of interior valves and the valve body of exterior valves, must be of cast, fabricated, or forged metal. If welded to tank, they must be of good weldable quality in conjunction with metal of tank.

(6) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle or valve body of exterior valves, or some fixed attachment thereto, must be provided with threaded cap closure arrangement or bolted flange closure arrangement having minimum 1-inch threaded pipe plug or approved quick-coupling device. When two piece quick-coupling devices (i.e., adapter and dust cap) are used on bottom outlet extensions, an inline auxiliary valve must be applied between the bottom outlet valve and the quick-coupling closure. The quick-coupling closure (dust cap) or outlet nozzle wall must be fitted with a minimum 1-inch threaded plug. The auxiliary valve and dust cap may be omitted when the quick-coupling adapter is threaded internally and fitted with a minimum 1-inch plug.

(7) If outlet nozzle extends 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of outlet nozzle at a point immediately below lowest part of valve to a depth that will leave thickness of nozzle wall at the root of the "V" not over one-fourth of an inch. The outlet nozzle on interior valves or the valve body on exterior valves may be steam jacketed, in

which case the breakage groove or its equivalent must be below the steam chamber but above the bottom of center sill construction. If outlet nozzle is not a single piece, or if exterior valves are applied, provision must be made for the equivalent of the breakage groove. On cars without continuous center sills, the breakage groove or its equivalent must be not more than 15 inches below the tank shell. On cars with continuous center sills the breakage groove or its equivalent must be above the bottom of the center sill construction.

(8) The flange on the outlet nozzle or the valve body of exterior valves must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove, or its equivalent.

(9) The valve must have no wings or stem projecting below the "V" groove or its equivalent. The valve and seat must be readily accessible or removable for repairs, including grinding.

(10) The valve operating mechanism on interior valves must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and may operate from the interior of the tank, but in the event the rod is carried through the dome, or tank shell, leakage must be prevented by packing in stuffing box or other suitable seals and a cap.

(b) * * *

(1) On newly built empty cars with truck centers through 60 feet, 6 inches,

the extreme projection of the bottom washout equipment must be at least 12 inches above the top of rail on level track. On cars with truck centers greater than 60 feet, 6 inches, the minimum rail clearance must be in accordance with the graph in Appendix E of the AAR Specifications for Tank Cars.

(3) If washout nozzle extends 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of the nozzle at a point immediately below the lowest part of inside closure seat or plug to a depth that will leave wall thickness of nozzle at the root of the "V" not over one-fourth inch. Where nozzle is not a single piece, provision must be made for the equivalent of the breakage groove. The nozzle must be of a thickness to insure that accidental breakage will occur at or below the "V" groove or its equivalent. On cars without continuous center sills, the breakage groove or its equivalent must not be more than 15 inches below the tank shell. On cars with continuous center sills the breakage groove or its equivalent must be above the bottom of the center sill construction.

(4) The closure plug and seat must be readily accessible or removable for repairs, including grinding.

(5) The closure of the washout nozzle must be equipped with a 3/4-inch solid screw plug. Plug must be attached by at least a 1/4-inch chain.

(6) Joints between closures and their seats may be gasketed with suitable material.

* * *

§ 179.200-19 Reinforcements, when used, and appurtenances not otherwise specified.

* * *

(b) Reinforcing pads must be used between external brackets and shells if the attachment welds exceed 6 lineal inches of 3/4-inch fillet or equivalent weld per bracket or bracket leg. When reinforcing pads are used, they must not be less than one-fourth inch in thickness, have each corner rounded to a 1 inch minimum radius, and be attached to the tank by continuous fillet welds except for venting provisions. The ultimate shear strength of the bracket to reinforcing pad weld must not exceed 85 percent of the ultimate shear strength of the reinforcing pad to tank weld.

* * *

§ 179.200-24 Stamping.

* * *

(b) On Class DOT-111 tank cars, the last numeral of the specification number may be omitted from the stamping; for example, DOT-111A100W.

16. In § 179.201-1 paragraph (a), the entire table is amended; in § 179.201-2 paragraph (a), the sentence preceding the table is amended; in § 179.201-3, paragraphs (a), (b), and (c) are amended; (d), (e), (f), and (g) are added; § 179.201-4 is amended; §§ 179.201-5 and 179.201-6 are amended; in § 179.201-7, paragraph (a) is amended; § 179.201-9 is amended to read as follows:

§ 179.201 Individual specification requirements applicable to non-pressure tank car tanks.

§ 179.201-1 Individual specifications requirements.

(a) * * *

DOT specifications	103A-ALW	103AW	103ALW	103ANW	103BW	103CW	103DW	103EW
Material (see 179.200-7)	Al alloy	Steel	Al alloy	Nickel	Steel	Alloy steel	Alloy steel	Alloy steel
Insulation (see 179.200-4)	Optional	Optional	Optional	Optional	Optional	Optional	Optional	Optional
Bursting pressure p.s.i. (See 179.200-5)	240	240	240	240	240	240	240	240
Minimum Plate thickness inches:								
Shell (see 179.200-6)	3/4	179.201-2	3/4	179.201-2	179.201-2	179.201-2	179.201-2	179.201-2
Heads (see 179.200-6 and 179.200-8)	3/4	179.201-2	3/4	179.201-2	179.201-2	179.201-2	179.201-2	179.201-2
Dome	Required	Required	Required	Required	Required	Required	Required	Required
Minimum expansion capacity (see 179.200-14)	1 percent in dome	1 percent in dome	2 percent in dome	1 percent in dome	1 percent in dome	1 percent in dome	2 percent in dome	1 percent in dome
Test pressure p.s.i. (see 179.200-22)	60	60	60	60	60	60	60	60
Safety relief devices (see 179.200-18)	Valve or vent	179.201-7	Valve or vent	179.201-7	Vent	Valve	Valve or vent	Valve or vent
Valve start-to-discharge pressure p.s.i. (±3 p.s.i.)	35	35	35	35	35	35	35	35
Valve vapor tight pressure (minimum p.s.i.)	28	28	28	28	28	28	28	28
Valve flow rating pressure (maximum p.s.i.)	45	45	45	45	45	45	45	45
Vent bursting pressure (maximum p.s.i.)	45	45	45	45	45	45	45	45
Gaging devices (see 179.200-16)	Optional	Optional	Optional	Optional	Optional	Optional	Optional	Optional
Toploading and unloading devices (see 179.200-16)	Required (valves optional)	Required (valves optional)	Optional	Required (valves optional)	Required (valves optional)	Required (valves optional)	Optional	Required (valves optional)
Bottom outlet (see 179.200-17(a))	Prohibited	Prohibited	Optional	Prohibited	Prohibited	Prohibited	Optional	Prohibited
Bottom washout (see 179.200-17(b))	Optional	Optional	Optional	Optional	Prohibited	Prohibited	Optional	Optional
Closure for manway (see 179.200-16)			179.201-c(c)	179.201-c(d)	179.201-c(b)	179.201-c(c)	179.201-c(a)	179.201-c(c)
Postweld heat treatment (HT) (see 179.200-11)	Prohibited	HT	Prohibited	Not required	HT	HT 179.201-5	HT 179.201-5	HT 179.201-5
Special references	179.202-10	179.202-7	179.202-1	179.202-8	179.201-3	179.201-4	179.201-4	179.201-4
	179.202-14	179.202-8	179.202-21	179.202-11	179.202-9	179.202-14	179.202-1	179.202-11
				179.202-16	179.202-12	179.202-15		
	179.202-21	179.202-11		179.202-17		179.202-19		179.202-15
		179.202-12				179.202-21		
		179.202-13						
		179.202-16						
		179.202-17						
		179.202-20						
		179.202-22						

DOT specifications	103W	104W	111A60ALW1	111A60ALW2	111A60W1 ¹	111A60W2	111A60W6	111A60W7
Material (see 179.200-7)	Steel	Steel	Al alloy	Al alloy	Steel	Steel	Steel	Alloy steel
Insulation (see 179.200-4)	Optional	Required	Optional	Optional	Optional	Optional	Optional	Optional
Bursting pressure p.s.i. (see 179.200-5)	240	240	240	240	240	240	240	240
Minimum plate thickness inches:								
Shell (see 179.200-6)	179.201-2	179.201-2	1/2	1/2	1/2	1/2	1/2	1/2
Heads (see 179.200-6 and 179.200-8)	179.201-2	179.201-2	1/2	1/2	1/2	1/2	1/2	1/2
Dome	Required	Required	None	None	None	None	None	None
Minimum expansion capacity (see 179.200-14)	2 percent in dome	2 percent in dome	2 percent in tank	1 percent in tank	2 percent in tank	1 percent in tank	1 percent in tank	1 percent in tank
Test pressure p.s.i. (see 179.200-22)	60	60	60	60	60	60	60	60
Safety relief devices (see 179.200-18)	Valve or vent.	Valve or vent.	Valve or vent.	Valve or vent.	Valve or vent.	Valve or vent.	Vent.	Valve or vent.
Valve start-to-discharge pressure p.s.i. (±3 p.s.i.)	35	35	35	35	35	35	35	35
Valve vapor tight pressure (minimum p.s.i.)	23	23	23	23	23	23	23	23
Valve flow rating pressure (maximum p.s.i.)	45	45	45	45	45	45	45	45
Vent bursting pressure (maximum p.s.i.)	45	45	45	45	45	45	45	45
Gaging devices (see 179.200-16)	Optional	Optional	Required	Required	Required	Required	Required	Optional
Top loading and unloading devices (see 179.200-16)	Optional	Optional	Optional	Required (valves optional)	Optional	Required (valves optional)	Required (valves optional)	Required (valves optional)
Bottom outlet (see 179.200-17(a))	Optional	Optional	Optional	Prohibited	Optional	Prohibited	Prohibited	Prohibited
Bottom washout (see 179.200-17(b))	Optional	Optional	Optional	Optional	Optional	Optional	Prohibited	Prohibited
Closure for manway (see 179.200-16)	179.201-6(a)	179.201-6(a)	179.201-6(a)	179.201-6(a)	179.201-6(a)	179.201-6(a)	179.201-6(b)	179.201-6(c)
Postweld heat treatment (HT) (see 179.200-11)	HT	HT	Prohibited	Prohibited	HT	HT	HT	HT 179.201-6
Special references	179.202-1 179.202-2 179.202-3 179.202-4 179.202-5 179.202-6 179.202-19	179.202-1	179.202-1	179.202-1	179.202-21	179.202-2 179.202-3 179.202-5 179.202-6	179.201-3	179.201-4 179.201-21

DOT specifications	111A100ALW1	111A100ALW2	111A100W1 ¹	111A100W2 ¹	111A100W3	111A100W4	111A100W6	111A100W6	111A60W1, ¹ 111A100W1, ¹ 111A100W2 ¹
Material (see 179.200-7)	Al alloy	Al alloy	Steel	Steel	Steel	Steel	Steel	Alloy steel	
Insulation (see 179.200-4)	Optional	Optional	Optional	Optional	Required	Required (179.201-11)	Optional	Optional	
Bursting pressure p.s.i. (see 179.200-5)	500	500	500	500	500	500	500	500	
Minimum plate thickness inches:									
Shell (see 179.200-6)	5/8	5/8	1/2	1/2	1/2	1/2	1/2	1/2	
Heads (see 179.200-6 and 179.200-8)	5/8	5/8	1/2	1/2	1/2	1/2	1/2	1/2	
Dome	None	None	None	None	None	None	None	None	
Minimum expansion capacity (see 179.200-14)	2 percent in tank	1 percent in tank	2 percent in tank	1 percent in tank	2 percent in tank	173.314(c)	1 percent in tank	2 percent in tank	
Test pressure p.s.i. (see 179.200-22)	100	100	100	100	100	100	100	100	
Safety relief devices (see 179.200-18)	Valve or vent.	Valve or vent.	Valve or vent.	179.201-7	Valve or vent.	Valve	Vent.	Valve or vent.	
Valve start-to-discharge pressure p.s.i. (±3 p.s.i.)	75	75	75	75	75	75	75	75	
Valve vapor tight pressure (minimum p.s.i.)	60	60	60	60	60	60	60	60	
Valve flow rating pressure (maximum p.s.i.)	85	85	85	85	85	85	85	85	
Vent bursting pressure (maximum p.s.i.)	75	75	75	75	75	75	75	75	
Gaging devices (see 179.200-16)	Required	Required	Required	Required	Required	Required (179.201-9)	Required (valves optional)	Required	
Top loading and unloading devices (see 179.200-16)	Optional	Required (valves optional)	Optional	Required (valves optional)	Optional (if used, valves required)	Required (valves required)	Required (valves optional)	Optional (if used, valves required)	
Bottom outlet (see 179.200-17(a))	Optional	Prohibited	Optional	Prohibited	Optional	Prohibited	Prohibited	Optional	
Bottom washout (see 179.200-17(b))	Optional	Optional	Optional	Optional	Optional	Prohibited	Prohibited	Optional	
Closure for manway (see 179.200-16)	179.201-6(a)	179.201-6(a)	179.201-6(a)	179.201-6(a)	179.201-6(a)	179.201-6(a)	179.201-6(b)	179.201-6(a), 179.201-6(c)	
Postweld heat treatment (HT) (see 179.200-11)	Prohibited	Prohibited	HT	HT	HT	HT	HT	HT 179.201-6	
Special references	179.202-21	179.202-1 179.202-2 179.202-6 179.202-11 179.202-12 179.202-13 179.202-16 179.202-17 179.202-20 179.202-22	179.202-1 179.202-2 179.202-8 179.202-11 179.202-12 179.202-13 179.202-16 179.202-17 179.202-20 179.202-22	179.202-6 179.202-7 179.202-8 179.202-11 179.202-12 179.202-13 179.202-16 179.202-17 179.202-20 179.202-22	179.202-1	179.201-8 179.201-10 179.201-11 179.201-12 179.201-13 179.201-14 179.201-15 179.201-16 179.201-17 179.201-18 179.201-19 179.201-20 179.201-21 179.201-22	179.201-3 179.201-9 179.201-12 179.201-13 179.201-14 179.201-15 179.201-16 179.201-17 179.201-18 179.201-19 179.201-20 179.201-21 179.201-22	179.201-4 179.201-10 179.201-11 179.201-12 179.201-13 179.201-14 179.201-15 179.201-16 179.201-17 179.201-18 179.201-19 179.201-20 179.201-21 179.201-22	

¹Tanks converted to DOT-111A series from existing forge-welded specification. DOT-103A300, 400, or 500 tanks, by modification using conversion details complying

with DOT-111A specification requirements, shall be stenciled by substituting the letter "F" for the letter "W" in the specification designation.

§ 179.201-2 Minimum plate thickness.
(a) The minimum plate thickness after forming must be as follows:

§ 179.201-3 Lined tanks.

(a) Rubber-lined tanks.

(1) Each tank or each compartment thereof must be lined with acid-resistant rubber or other approved rubber compound vulcanized or bonded directly to

the metal tank, to provide a nonporous laminated lining, at least 5/32-inch thick, except overall rivets and seams formed by riveted attachments in the lining must be double thickness. The rubber lining must overlap at least 1½ inches at all edges which must be straight and be beveled to an angle of approximately 45°, or butted edges of lining must be sealed with a 3-inch min-

imum strip of lining having 45° beveled edges.

(2) As an alternate method, the lining may be joined with a skived butt seam then capped with a separate strip of lining 3 inches wide having 45° beveled edges. An additional rubber reinforcing pad at least 4½ feet square and at least ½-inch thick must be applied by vulcanizing to the lining on

bottom of tank directly under the manway opening. The edges of the rubber pad must be beveled to an angle of approximately 45°. An opening in this pad for sump is permitted. No lining must be under tension when applied except due to conformation over rivet heads. Interior of tank must be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

(3) Other approved lining materials may be used provided the material is resistant to the corrosive or solvent action of the lading in the liquid or gas phase and is suitable for the service temperatures.

(b) Before a tank car tank is lined with rubber, or other rubber compound, a report certifying that the tank and its equipment have been brought into compliance with spec. DOT-103B, 103BW, 111A60W5, or 111A100W5 must be furnished by car owner to the party who is to apply the lining. A copy of this report in approved form, certifying that tank has been lined in compliance with all requirements of one of the above specifications, must be furnished by party lining tank to car owner. Reports of the latest lining application must be retained by the car owner until the next relining has been accomplished and recorded.

(c) All rivet heads on inside of tank must be buttonhead, or similar shape, and of uniform size. The under surface of heads must be driven tight against the plate. All plates, castings and rivet heads on the inside of the tank must be calked. All projecting edges of plates, castings and rivet heads on the inside of the tank must be rounded and free from fins and other irregular projections. Castings must be free from porosity.

(d) All surfaces of attachments or fittings and their closures exposed to the lading must be covered with at least 1/8-inch acid resistant material. Attachments made of metal not affected by the lading need not be covered with rubber or other acid resistant material.

(e) Hard rubber or polyvinyl chloride may be used for pressure retaining parts of safety vents provided the material is resistant to the corrosive or solvent action of the lading in the liquid or gas phase and is suitable for the service temperatures.

(f) Polyvinyl chloride lined tanks. Tank car tanks or each compartment thereof may be lined with elastomeric polyvinyl chloride having a minimum lining thickness of three thirty-seconds inch.

(g) Polyurethane lined tanks. Tank car tanks or each compartment thereof may be lined with elastomeric polyurethane having a minimum lining thickness of one-sixteenth inch.

§ 179.201-4 Material.

All fittings, tubes, and castings and all projections and their closures, except for protective housing, must also meet the requirements specified in AAR Specifications for Tank Cars, Appendix M, M3.03 (b) and M4.05(d).

§ 179.201-5 Postweld heat treatment and corrosion resistance.

(a) Tanks and attachments welded directly thereto must be postweld heat treated as a unit at the proper temperature except as indicated below. Tanks and attachments welded directly thereto fabricated from ASTM A240-70 Type 430A, Type 304 and Type 316 materials must be postweld heat treated as a unit and must be tested to demonstrate that they possess the corrosion resistance specified in § 179.200-7(d), Footnote 2. Tanks and attachments welded directly thereto, fabricated from ASTM A240-70 Type 304L or Type 316L materials are not required to be postweld heat treated.

(b) Tanks and attachments welded directly thereto, fabricated from ASTM A240-70 Type 304L and Type 316L materials must be tested to demonstrate that they possess the corrosion resistance specified in § 179.200-7(d), Footnote 2.

§ 179.201-6 Manways and manway closures.

(a) The manway cover for spec. DOT 103ALW, 103DW, 103W, 104W, 111A60ALW1, 111A60W1, 111A100ALW1, 111A100W1, 111A100W3, or 111A100W6 must be designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) The manway cover for spec. DOT 103BW, 111A60W5, or 111A100W5 must be made of a suitable metal. The top, bottom and edge of manway cover must be acid resistant material covered as prescribed in § 179.201-3. Through-bolt holes must be lined with acid resistant material at least one-eighth inch in thickness. Cover made of metal not affected by the lading need not be acid resistant material covered.

(c) The manway ring and cover for spec. DOT-103CW, 103DW, 103EW, 111A60W7, or 111A100W6 must be made of the metal and have the same inspection procedures specified in AAR Specifications for Tank Cars Appendix M, M3.03.

(d) The manway ring for DOT 103 ANW must be made of cast, forged or fabricated nickel and be a good weldable quality in conjunction with the metal of the dome. Manway cover must be made of nickel.

§ 179.201-7 Safety relief devices.

(a) Each tank or compartment must be equipped with a safety vent unless characteristics of the lading require a safety relief valve. These devices must comply with § 179.200-18.

§ 179.201-9 Gaging device.

A gaging device of an approved design must be applied to permit determining the liquid level of the lading. The gaging device must be made of materials not subject to rapid deterioration by the lading. When the interior pipe of the gaging device provides a means for passage of the lading from the interior to the exterior of the tank, it must be equipped with an excess flow valve of an approved design. If the opening for passage of lading through the gaging device

is not more than 0.060 inch diameter an excess flow valve is not required. The gaging device must be provided with a protective housing.

17. In §§ 179.202-1, 179.202-2, and 179.202-3, paragraph (a) is amended; in § 179.202-4, paragraph (a) is amended by deleting "Spec. 103-W" at the beginning of the paragraph; in §§ 179.202-5, 179.202-6, 179.202-7, and 179.202-8, paragraph (a) is amended; in § 179.202-9, the heading and paragraph (a) are amended, paragraph (b) is added; in § 179.202-10, paragraph (a) is amended; § 179.202-11 is amended; in § 179.202-12, paragraph (a) is amended, paragraph (b) is added; in § 179.202-13, paragraph (a) is amended; in § 179.202-14, paragraphs (a), (b), and (c) are amended; §§ 179.202-15 through 179.202-19 paragraph (a) is amended; §§ 179.202-20, 179.202-21, and 179.202-22 are added to read as follows:

§ 179.202 Special commodity requirements for nonpressure tank car tanks.

§ 179.202-1 Flammable liquids not specifically provided for.

Tank cars used to transport flammable liquids not specifically provided for must have manway closures so designed that pressure will be released automatically by starting the operation of removing the manway cover. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner. Specifications ARA-III, ARA-IV and ICC-103, DOT-103W, 103ALW, ICC-104, DOT-104W, 111A60ALW1 or 111A100W3, used to transport flammable liquids not specifically provided for, having a vapor pressure exceeding 27 pounds per square inch absolute at 100° F. but not exceeding 40 p.s.i.a. at 100° F., must have their manway closures equipped with approved safeguards making removal of closures from the manway opening practically impossible while car interior is subjected to vapor pressure of lading. These cars must be stenciled on each side of dome in line with the ladders, and in a color contrasting to the color of the dome with the identification mark as prescribed in AAR Specifications for Tank Cars, Appendix C.

§ 179.202-2 Dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, vinyl trichlorosilane, methyl dichlorosilane and trichlorosilane.

Tank cars used to transport dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, vinyl trichlorosilane, methyl dichlorosilane, and Trichlorosilane, must not be equipped with bottom discharge outlet.

§ 179.202-3 Amyl mercaptan, Butyl mercaptan, Ethyl mercaptan, Isopropyl mercaptan, Propyl mercaptan, and Aliphatic mercaptan mixtures.

Tank cars used to transport amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan

mixtures must have bottom outlets effectively sealed. Bottom washout permitted.

* * *
§ 179.202-5 Phosphorus, white or yellow.

Tank cars used to transport phosphorus, white or yellow, must be equipped with approved dome fittings, external heater systems and with insulation at least 4 inches in thickness, except that thickness of insulation may be reduced to 2 inches over external heater coils. Bottom washout nozzle of approved design may be applied. Bottom outlet for discharge of lading prohibited.

§ 179.202-6 Cumene hydroperoxide, diisopropylbenzene hydroperoxide and paramenthane hydroperoxide.

Tank cars used to transport cumene hydroperoxide of strength not exceeding 90 percent in a nonvolatile solvent. Paramenthane hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent and diisopropylbenzene hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent, must have bottom outlets effectively sealed from the inside.

§ 179.202-7 Titanium tetrachloride, anhydrous.

Tank cars used to transport titanium tetrachloride, anhydrous, must be equipped with safety relief valves. Safety vents not permitted.

§ 179.202-8 Chloroacetyl chloride.

Tank cars used to transport chloroacetyl chloride must have a nickel cladding of $\frac{1}{16}$ -inch minimum thickness. Nickel cladding in tanks must have a minimum nickel content of at least 99 percent pure nickel. Specification DOT-103ANW tank cars used to transport chloroacetyl chloride must be of solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading must have a minimum nickel content of 96.7 percent.

§ 179.202-9 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited; sodium chlorite solution (not exceeding 42 percent sodium chlorite), and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) For acids not over 38 percent strength by weight, except hydrochloric (muriatic) acid of not over 22° Baume strength, tank cars may be equipped with safety vent of approved design having a frangible disc with $\frac{1}{8}$ -inch breather hole in the center, or a safety vent of approved design using carbon discs permitting continuous venting.

(b) Sodium chlorite solution. Specification DOT-103CW tank cars having tanks of Type 304L stainless steel authorized for sodium chlorite solution not exceeding 42 percent sodium chlorite only.

§ 179.202-10 Hydrogen peroxide solution in water exceeding 52 percent by weight.

Tank cars used to transport hydrogen peroxide solution in water exceeding 52 percent by weight, must be equipped with a venting arrangement approved by the Bureau of Explosives.

§ 179.202-11 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

Specification DOT-103ANW tank cars used to transport phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride must be solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading have a minimum nickel content of approximately 96.7 percent. Specification DOT-103A tank cars used to transport phosphorus trichloride must be lead-lined steel, or made of steel at least 10 percent nickel clad. Specifications DOT-103AW, 111A100F2, or 111A100W2 tank cars used to transport phosphorus trichloride must be lead-lined steel or made of steel with a minimum thickness of nickel cladding of one-sixteenth inch. Nickel cladding in tanks must have a minimum nickel content of at least 99 percent pure nickel. Specification DOT-103EW tank cars used to transport phosphorus trichloride and thiophosphoryl chloride must have tanks fabricated from Type 316 stainless steel. Unlined specification DOT-103A, 103AW, 111A100F2, or 111A100W2 tank cars authorized for phosphorus trichloride only.

§ 179.202-12 Sulfuric acid of concentrations 65.25 percent (approximately 1.559 specific gravity) (52° Baume) or greater.

(a) Specifications DOT-103A, 103AW, 111A100F2, or 111A100W2 tank cars used for this service may be equipped with safety vent of approved design having a frangible disc with $\frac{1}{8}$ -inch breather hole in the center.

(b) Specifications DOT-103A, 103AW, 111A100F2, or 111A100W2 tank cars used in oleum and other fuming acids must be equipped with safety vent of approved design. Breather hole in frangible disc prohibited. Safety valve prohibited.

§ 179.202-13 Sulfur trioxide, stabilized.

Tank cars used to transport sulfur trioxide stabilized must be equipped with safety relief valves of approved design. Tanks equipped with interior heating coils not permitted.

§ 179.202-14 Anhydrous hydrazine and hydrazine solutions containing 50 percent or less of water.

(a) Tank cars used to transport anhydrous hydrazine or hydrazine solutions containing 50 percent or less water, must have tanks fabricated of Type 304L stainless steel with molybdenum content not exceeding one-half of 1 percent. Specification DOT-111A100W6 tanks must not be equipped with bottom outlet.

(b) Safety relief valves for specification DOT-103CW tank cars may have a start-to-discharge pressure of 45 p.s.i. with a tolerance of plus or minus 3 p.s.i. and a vapor tight pressure of 38 p.s.i. Refer to AAR Specifications for Tank Cars Appendix A, A8.05.

(c) Specification 103A-ALW tank cars authorized for transporting anhydrous hydrazine only, may have tanks equipped with a safety relief valve having start-to-discharge pressure of not more than 45 p.s.i. with a tolerance of plus or minus 3 p.s.i. and a vapor tight pressure of 38 p.s.i. Refer to AAR Specifications for Tank Cars Appendix A, A8.05.

§ 179.202-15 Formic acid and formic acid solutions.

Tank cars used to transport formic acid and formic acid solutions must be stenciled "Formic Acid Only." Specification DOT-103EW tank car tanks must be fabricated from Type 316 stainless steel.

§ 179.202-16 Monochloroacetic acid, liquid.

Tank cars used to transport monochloroacetic acid, liquid, must have tanks nickel clad at least 20 percent.

§ 179.202-17 Benzyl chloride.

Specification DOT-103ANW tank cars used to transport benzyl chloride must have all cast metal parts in contact with the lading made from metal having a minimum nickel content of 96.7 percent.

§ 179.202-18 Ethylene oxide.

Specifications ARA-IVA and DOT-111A100W4 tank cars used to transport ethylene oxide may have openings in the heads to facilitate nickel lining provided openings are closed in an approved manner. No copper or copper bearing alloys must be used in any part of the tank or appurtenances if such part is normally in contact with ethylene oxide liquid or vapor. Tank jacket must be stenciled on both sides in letters not less than $1\frac{1}{2}$ -inches high "Ethylene Oxide Only."

§ 179.202-19 Dimethylhydrazine, unsymmetrical.

Tank cars used to transport dimethylhydrazine, unsymmetrical, must be equipped with steel safety valves of approved design. Specification DOT-103W tank cars must not be equipped with bottom outlets.

§ 179.202-20 Hydrofluoric acid.

Breather hole in frangible disc prohibited.

§ 179.202-21 Nitric acid.

(a) Tank cars used to transport nitric acid must comply with the following requirements:

(1) Bottom washout or bottom outlet is prohibited unless effectively sealed with an approved arrangement to prevent use during loading and unloading of acid.

(2) Safety vent is prohibited.

§ 179.202-22 Mixed acid (nitric and sulfuric acid) (nitrating acid).

Specifications DOT-103A, 103AW, 111A100F1, or 111A100W2 tank cars used in nitrating and other fuming acids service must be equipped with safety vent of approved design. Breather hole in frangible disc prohibited. Safety valve prohibited.

18. In § 179.300, the heading is amended; in § 179.300-6, the text in paragraph (a) preceding the formula and line "t" of the formula's explanation are amended; § 179.300-7 is amended; in § 179.300-8, paragraph (b) is amended; in § 179.300-9, paragraphs (a) and (b) are amended; § 179.300-10 is amended; in § 179.300-14, paragraph (a) is amended; in § 179.300-16, the first sentence of paragraph (a) is amended by substituting "postweld heat treatment" for "stress relieving" in the first line; in § 179.300-17, paragraph (b) is amended; in § 179.300-20, paragraph (b) is amended to read as follows:

§ 179.300 General specifications applicable to multiunit tank car tanks designed to be removed from car structure for filling and emptying (classes DOT-106A and 110A-W).

§ 179.300-6 Thickness of plates.

(a) For class DOT-110A tanks the wall thickness after forming of the cylindrical portion of the tank must not be less than that specified in § 179.301 nor that calculated by the following formula:

$t = \text{minimum thickness of plate material in inches after forming.}$

§ 173.300-7 Materials.

(a) Carbon steel plate material used to fabricate tanks having heads fusion welded to tank shell must comply with the following specifications with the indicated minimum tensile strength and elongation in the welded condition. The maximum allowable carbon content must be 0.31 percent when the individual specification allows carbon content greater than this amount. The plates may be clad with other approved materials.

Specifications	Minimum tensile strength (p.s.i.) welded condition ¹	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM A 285-69 Gr. A.....	45,000	23
ASTM A 285-69 Gr. B.....	50,000	20
ASTM A 285-69 Gr. C.....	55,000	20
ASTM A 515-69 Gr. 65.....	65,000	20
ASTM A 515-69 Gr. 70.....	70,000	20

¹ Maximum stresses to be used in calculations.

(b) Carbon steel plate material used to fabricate tanks with forge welded heads must comply with the following specifications:

Specifications	Minimum tensile strength (p.s.i.) welded condition ¹	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
ASTM A 285-69 Gr. A.....	45,000	23

¹ Maximum stresses to be used in calculations.

(c) All plates must have their heat number and the name or brand of the manufacturer legibly stamped on them at the rolling mill.

§ 173.300-8 Tank heads.

(b) Class DOT-106A tanks must have forged-welded heads, formed convex to pressure. Heads for forge welding must be torispherical with an inside radius not greater than the inside diameter of the shell. They must be one piece, hot formed in one heat so as to provide a straight flange at least 4 inches long. They must have snug drive fit into the shell for forge welding. The wall thickness after forming must be sufficient to meet the test requirements of § 179.300-16 and to provide for adequate threading of openings.

§ 179.300-9 Welding.

(a) Longitudinal joints must be fusion welded. Head-to-shell joints must be forge welded on class DOT-106A tanks and fusion welded on class DOT-110A tanks. Welding procedures, welders and fabricators must be approved in accordance with AAR Specifications for Tank Cars, Appendix W.

(b) Fusion-welded joints must be in compliance with the requirements of AAR Specifications for Tank Cars, Appendix W, except that circumferential welds in tanks less than 36 inches inside diameter need not be radiotaped.

§ 179.300-10 Postweld heat treatment.

After welding is complete, steel tanks and all attachments welded thereto, must be postweld heat treated as a unit in com-

pliance with the requirements of AAR Specifications for Tank Cars, Appendix W.

§ 179.300-14 Attachments not otherwise specified.

Siphon pipes and their couplings on the inside of the tank head and lugs on the outside of the tank head for attaching the valve protective housing must be fusion-welded in place prior to postweld heat treatment. All other fixtures and appurtenances, except as specifically provided for, are prohibited.

§ 179.300-17 Tests of safety relief devices.

(b) Frangible discs of safety vents must be tested as prescribed in AAR Specifications for Tank Cars, Appendix A, A5.03.

§ 179.300-20 Reports.

(b) For builder's Certificate of Construction, see § 179.5 (b), (c), and (d).

19. In § 179.301 paragraph (a), the table is amended by adding "p.s.i." after the following entries.

Start-to-discharge, or burst maximum p.s.i.
Vapor-tight, minimum p.s.i.

20. Section 179.302 is amended to read as follows:

§ 179.302 Special commodity requirements for multiunit tank car tanks.

(a) In addition to §§ 179.300 and 179.301, the following requirements are applicable:

Commodity	Safety relief device	Valve protective housing	Miscellaneous
Chlorine trifluoride.....	Prohibited ¹	Gas tight ²	
Chlorpicrin.....	Prohibited ¹	Gas tight ²	
Hydrofluoric acid.....	Prohibited ¹	Gas tight ²	
Hydrogen sulfide.....	Prohibited ¹		(9)
Methyl mercaptan.....	Prohibited ¹		
Nitrogen dioxide liquid.....	Prohibited ¹	Gas tight ²	
Nitrogen peroxide liquid.....	Prohibited ¹	Gas tight ²	
Nitrogen tetroxide liquid.....	Prohibited ¹	Gas tight ²	
Nitrogen tetroxide-nitric oxide mixtures.....	Prohibited ¹	Gas tight ²	
Nitrosyl chloride.....	Fusible plugs required		(9)
Phosgene.....	Prohibited ¹	Gas tight ²	
Titanium tetrachloride (anhydrous).....	Prohibited ¹		(9)
Vinyl chloride.....			(9)
Vinyl methyl ether.....			(9)

¹ When safety relief devices are prohibited, containers may be equipped with self-sealing steel plugs in the safety device openings.

² The detachable protective housing for the loading and unloading valves must withstand tank test pressure without leakage and must be approved by the Bureau of Explosives.

³ All parts of valves and safety relief devices in contact with the loading must be of a metal or other material, suitably treated if necessary, which will not cause formation of any acetylides.

⁴ Tanks for nitrosyl chloride must be nickel-clad.

⁵ Valve outlets must have gas tight plugs or caps applied.

This amendment is effective December 31, 1971, however, compliance with the regulations, as amended herein, is authorized immediately.

(Secs. 831-835, title 18, U.S.C.; sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C. on October 29, 1971.

W. F. REA, III,
Rear Admiral, Board Member
for the U.S. Coast Guard.

MAC E. ROGERS,
Board Member for the
Federal Railroad Administration.

[FR. Doc. 71-16130 Filed 11-5-71; 8:45 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 71-20 Notice No. 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires and Tire Selection and Rims for Passenger Cars

This amendment adds certain tire sizes and alternative rim sizes to the passenger car tire standard and tire selection and rim standard.

On October 5, 1968, guidelines were published in the FEDERAL REGISTER (33 F.R. 14964) by which routine additions

could be added to Appendix A, Standard No. 109 and to Appendix A, Standard No. 110. Under these guidelines, the addition becomes effective 30 days from date of publication in the FEDERAL REGISTER, if no objections to the proposed additions are received. If objections to the amendment are received, rulemaking pursuant to the procedures for motor vehicle safety standards (49 CFR Part 553) are followed.

The Rubber Manufacturers Association has petitioned for the following:

(1) The addition of the new GR60-14 tire size designation to Table I, Appendix A of Standard No. 109 and the appropriate test and alternative rims to Table I, Appendix A of Standard No. 110.

(2) The addition of the following alternative rims to Table I, Appendix A of Standard No. 110:

(a) The 9-JJ alternative rim size for the G60-15 tire size designation.

(b) The 5-JJ and 6-JJ alternative rim sizes for the FR78-14 tire size designation.

(c) The 8-JJ alternative rim size for the F70-14 tire size designation.

(d) The 5-JJ alternative rim size for the D70-14 tire size designation.

(e) The 7-JJ alternative rim size for the GR70-15 tire size designation.

(f) The 6½-JJ alternative rim size for the 8.25-15 tire size designation.

The European Tyre and Rim Technical Organisation has petitioned for the following:

(1) The addition of the new 230-15, 245/60 R14 and 255/60 R15 tire size designations to Table I, Appendix A of Standard No. 109 and the appropriate test and alternative rims to Table I, Appendix A of Standard No. 110.

(2) The addition of the following alternative rims to Table I, Appendix A of Standard No. 110:

(a) The 9-L alternative rim size for the HR60-15 tire size designation.

(b) The 8K and 8½-L alternative rim sizes for the 225/70 R15 tire size designation.

(c) The 5½-JJ alternative rim size for the 155 R13 tire size designation.

On the basis of the data submitted by the European Tyre and Rim Technical Organisation and the Rubber Manufacturers Association indicating compliance with the requirements of Federal Motor Vehicle Safety Standards No. 109 and No. 110 and other information submitted in accordance with the procedural guidelines, § 571.21 of Part 571 Federal Motor Vehicle Safety Standards, Appendix A of Standard No. 109 and Appendix A of Standard 110 are amended to read as set forth below, effective 30 days from date of publication in the FEDERAL REGISTER. (Secs. 103 and 119, National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407; delegations of authority at 49 CFR 1.51 and 501.8)

Issued on October 21, 1971.

ROBERT L. CARTER,
Acting Associate Administrator,
Motor Vehicle Programs.

1. The existing Table I-D is deleted and in its place the following revised Table I-D is inserted.

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD No. 109

TABLE I-D

[Amdt. No. 4]

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR DASH (—) RADIAL PLY TIRES

Tire size designation ¹	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)												Test rim width (inches)	Minimum size factor (inches)	Section width ² (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40		
145-10	435	525	545	565	585	605	625	640	655	670	685	700	710	4½	21.70
125-12	405	430	445	465	480	495	505	525	535	550	560	575	580	3½	21.69
135-12	480	510	530	550	565	585	600	620	635	650	665	675	685	4	23.63
145-12	570	605	625	650	675	695	715	740	760	775	790	805	815	4	20.69
155-12	630	670	695	720	745	770	795	820	840	860	875	890	905	4½	27.39
135-13	515	545	565	590	610	630	650	670	690	705	715	730	740	4	23.63
145-13	605	640	665	685	720	740	765	790	815	830	845	855	870	4	27.01
155-13	670	710	735	765	790	815	840	870	895	910	925	940	955	4½	23.44
165-13	700	750	800	850	890	930	970	1,010	1,050	1,090	1,130	1,170	1,200	4½	29.62
175-13			810	860	920	980	1,040	1,100	1,160	1,200	1,240	1,300	1,350	4½	30.09
185-13			870	940	1,010	1,080	1,140	1,210	1,270	1,330	1,390	1,450	1,510	5	31.42
195-13			970	1,040	1,110	1,180	1,250	1,320	1,400	1,450	1,520	1,590	1,640	5½	32.33
135-14	555	585	610	635	655	675	695	720	740	760	785	800	810	4	27.64
145-14	645	680	710	735	760	785	810	840	865	885	905	920	935	4	23.64
155-14	630	680	720	760	800	840	880	920	960	1,000	1,040	1,080	1,120	4	29.45
165-14	740	790	840	890	940	990	1,020	1,060	1,100	1,140	1,180	1,220	1,250	4½	30.63
175-14			830	900	960	1,020	1,080	1,140	1,200	1,260	1,320	1,380	1,440	4½	31.63
185-14			920	1,000	1,070	1,140	1,210	1,280	1,350	1,420	1,490	1,560	1,640	5	32.63
195-14			1,020	1,100	1,180	1,260	1,340	1,420	1,500	1,570	1,650	1,720	1,800	5½	33.63
205-14			1,100	1,180	1,270	1,350	1,450	1,540	1,620	1,700	1,770	1,850	1,940	6	34.63
215-14			1,200	1,300	1,390	1,510	1,590	1,670	1,770	1,850	1,920	2,010	2,100	6	35.79
225-14			1,320	1,420	1,510	1,610	1,710	1,800	1,900	1,970	2,050	2,150	2,230	6½	36.44
125-15	435	525	545	565	585	605	625	640	655	670	685	700	710	3½	27.63
135-15	585	620	645	670	695	715	735	755	775	795	810	825	840	4	23.63
145-15	680	720	760	780	805	830	855	875	895	920	940	960	975	4	29.64
155-15	740	785	815	850	880	905	930	955	980	1,005	1,025	1,045	1,060	4½	30.45
165-15	770	820	870	920	970	1,020	1,070	1,110	1,160	1,200	1,230	1,270	1,310	4½	31.45
175-15			990	1,050	1,100	1,150	1,200	1,250	1,300	1,350	1,400	1,440	1,480	5	32.41
185-15			925	980	1,020	1,060	1,095	1,130	1,170	1,210	1,250	1,290	1,325	4½	32.04
195-15			1,000	1,070	1,140	1,210	1,280	1,350	1,420	1,490	1,560	1,630	1,690	5½	33.63
205-15			1,080	1,160	1,240	1,320	1,400	1,470	1,550	1,620	1,690	1,760	1,820	6	34.22
215-15			1,190	1,290	1,370	1,450	1,530	1,620	1,700	1,780	1,840	1,920	2,000	6	35.20
225-15			1,280	1,380	1,480	1,570	1,660	1,760	1,860	1,940	2,020	2,100	2,200	6	36.00
230-15			1,370	1,470	1,580	1,670	1,780	1,880	1,980	2,060	2,150	2,240	2,340	6½	36.04
235-15			1,405	1,515	1,625	1,725	1,825	1,925	2,020	2,110	2,190	2,280	2,360	6	37.30
235-15			1,430	1,540	1,640	1,760	1,850	1,950	2,050	2,150	2,250	2,350	2,450	6½	37.76
185-16			1,140	1,210	1,270	1,330	1,390	1,450	1,500	1,550	1,600	1,650	1,700	6½	34.14
165-100	800	860	920	980	1,030	1,080	1,130	1,180	1,220	1,260	1,300	1,340	1,380	4.65	32.04

1. The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

2. Actual section width and overall width shall not exceed the specified section width by more than 7 percent.
Changes: New size 230-15 added.

2. The existing Table I-R is deleted and in its place the following revised Table I-R is inserted.

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD No. 109

TABLE I-R

[Amdt. No. 4]

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "60 SERIES" RADIAL PLY TIRES

Tire size designation ¹	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)												Test rim width (inches)	Minimum size factor (inches)	Section width ² (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40		
GR60-14	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	7	35.21
FR60-15	1,020	1,090	1,160	1,220	1,290	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	7	35.02
GR60-15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	7	35.81
HR60-15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	7	36.70

1. The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

by more than 7 percent.

Changes: New size GR60-14 added.

3. The existing Table I-S is deleted and in its place the following revised Table I-S is inserted.

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 103

TABLE I-S

[Amdt. No. 2]

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "60 SERIES" RADIAL PLY TIRES

Tire size designation ¹	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width ² (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
185/60 R 13			780	815	845	880	915	945	980	1,010	1,045	1,075	1,110	5	28.61	7.28
245/60 R 14	1,020	1,090	1,160	1,220	1,290	1,340	1,400	1,450	1,500	1,550	1,610	1,660	1,700	6½	34.25	9.33
255/60 R 15	1,200	1,290	1,360	1,440	1,510	1,590	1,650	1,710	1,770	1,830	1,890	1,950	2,010	7	36.70	10.06

¹ The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to the "R".
² Actual section width and overall width shall not exceed the specified section width by more than 7 percent.
 Changes: New size 245/60 R 14 and 255/60 R 15 added.

1. Delete Table I of Appendix A and insert the following new Table I of Appendix A.

FMVSS No. 110—APPENDIX A

TABLE I

(Amendment No. 22)

ALTERNATIVE RIMS

Tire size ³	Rim ^{1,2}
Table I-A	
6.00-13.....	5-JJ, 6-JJ
7.35-14.....	6-JJ
6.85-15.....	4½-JJ, 5½-JJ
7.00-15.....	5.00F, 5-K
8.25-15.....	5-JJ, 5½-JJ, 6-JJ, 6-K, 6-L, 6½-JJ
8.55-15.....	5½-JJ, 6-JJ, 6-K, 6-L, 6½-JJ
8.90-15.....	6-JJ, 6½-L, 7-L
9.15-15.....	5½-JJ, 5½-K
1.84-15.....	5½-JJ, 6-JJ, 6½-JJ, 7-JJ
Table I-B	
A70-13.....	5-JJ, 5½-JJ, 6-JJ
D70-13.....	5½-JJ, 5½-K
D70-14.....	5-JJ
E70-14.....	7-JJ
F70-14.....	7-JJ, 8-JJ
G70-14.....	7-JJ
C70-15.....	5½-JJ
E70-15.....	7-JJ, 8-JJ
F70-15.....	8-JJ
G70-15.....	7-JJ, 7½-K, 8-JJ
H70-15.....	8-JJ
Table I-C	
4.80-10.....	3.50D
5.60-14.....	4½-JJ
6.40-15.....	4-JJ, 4½-JJ, 4½-K, 4.50E, 5.00E, 5-JJ, 5-K, 5½-JJ
155-13/6.15-13..	5-JJ
175-13/6.95-13..	5½-JJ
5.0-15.....	3.50B, 3.50D, 3½-JJ, 4-JJ, 4.00C
5.5-15.....	3.50D, 3½-JJ, 4-JJ, 4½-JJ
Table I-D	
145-10.....	3.50B
145-13.....	3½-JJ, 4½-JJ
165-13.....	4½-JJ
135-15.....	4½-JJ
185-15.....	4½-JJ
230-15.....	6-JJ, 6½-JJ, 7-JJ
Table I-E	
6.2-13.....	4½-JJ
6.5-13.....	4½-JJ, 5-JJ
Table I-F	
5.20-13.....	4½-JJ
5.60-13.....	3½-JJ, 4-JJ
6.00-13.....	4-JJ
5.60-15.....	5-K

See footnotes at end of table.

Table I-G

DE70-13.....	5½-JJ
CR70-14.....	5½-JJ
DR70-14.....	6-JJ, 6½-JJ, 6½-K
FR70-15.....	5½-JJ, 6½-JJ, 7-JJ, 8-JJ
ER70-15.....	6-JJ, 6½-JJ, 7-JJ
FR70-15.....	6½-JJ, 7-JJ, 7½-K, 7½-L
GR70-15.....	6½-JJ, 7-JJ, 7-L, 7½-K, 8-K, 8½-L
HR70-15.....	6-JJ
JE70-15.....	6-JJ
LR70-15.....	6-JJ

Table I-H

155 R 12.....	4-JJ
135 R 13.....	4½-JJ
145 R 13.....	4½-JJ, 4.50B
155 R 13.....	4.50B, 5-JJ, 5½-JJ
165 R 13.....	4-JJ, 4.50B, 5.50B
175 R 13.....	4-JJ, 5½-JJ
165 R 14.....	5½-JJ
175 R 14.....	4½-JJ
205 R 14.....	7½-K
135 R 15.....	4½-JJ
165 R 15.....	5-JJ, 5-K, 5½-JJ
205 R 15.....	6½-L, 7-L, 7½-K

Table I-J

A78-13.....	4-JJ, 4½-JJ, 5-JJ, 5½-JJ, 6-JJ
B78-13.....	5-JJ
C78-13.....	5½-JJ
D78-13.....	5½-JJ
B78-14.....	4½-JJ, 4½-K, 5-JJ, 5-K, 5½-JJ
C78-14.....	4½-JJ, 5-JJ, 5-K, 5½-JJ, 6-JJ
D78-14.....	4½-JJ, 5-JJ, 5-K, 5½-JJ, 6-JJ
E78-14.....	4½-JJ, 5-JJ, 5-K, 5½-JJ, 5½-K, 6-JJ, 6½-JJ, 7-JJ
F78-14.....	5-JJ, 5-K, 5½-JJ, 5½-K, 6-JJ, 6-K, 6½-JJ, 7-JJ
G78-14.....	5-JJ, 5½-JJ, 5½-K, 6-JJ, 6-K, 7-JJ
H78-14.....	5½-JJ, 6-JJ, 6-K, 6½-JJ, 6½-K, 7-JJ
J78-14.....	6-JJ, 6-K, 6½-JJ
A78-15.....	4½-JJ
C78-15.....	4½-JJ, 4½-K, 5-JJ, 5-K
D78-15.....	5-JJ, 5-K
E78-15.....	4½-K, 5-JJ, 5-K, 5½-JJ, 5½-K, 6-JJ
F78-15.....	4½-K, 6-JJ, 5-K, 5½-JJ, 5½-K, 6-JJ
G78-15.....	5-JJ, 5-K, 5½-JJ, 5½-K, 6-JJ, 6-K, 6-L, 6½-JJ, 7-JJ
H78-15.....	5½-JJ, 5½-K, 6-JJ, 6-K, 6-L, 6½-K, 6½-JJ, 7-JJ
J78-15.....	5½-JJ, 6-JJ, 6-K, 6-L, 6½-JJ, 7-JJ
L78-15.....	5½-JJ, 5½-K, 6-JJ, 6-K, 6-L, 6½-JJ, 7-JJ, 8-JJ
N78-15.....	6-JJ, 7-JJ

Table I-K

EG0-14.....	7-JJ
FG0-14.....	7-JJ
GG0-14.....	7-JJ
JG0-14.....	7-JJ, 7½-JJ
HG0-14.....	6½-JJ, 7-JJ
LG0-14.....	8-JJ
EG0-15.....	6-JJ, 7-JJ, 8-JJ
FG0-15.....	6½-JJ, 7-JJ, 8-JJ
GG0-15.....	7-JJ, 8-JJ, 9-JJ
HG0-15.....	7-JJ
JG0-15.....	7-JJ, 7½-JJ
LG0-15.....	7-JJ, 7½-JJ

Table I-L

E50C-16.....	3½
F50C-16.....	3½
G50C-17.....	3½
H50C-17.....	3½
L50C-18.....	3½, 4

Table I-M

AR78-13.....	4½-JJ
BR78-13.....	4½-JJ
CR78-13.....	5-JJ
BR78-14.....	4½-JJ
CR78-14.....	5-JJ
DR78-14.....	5-JJ, 6-JJ
ER78-14.....	5-JJ
FR78-14.....	5-JJ, 5½-JJ, 6-JJ
GR78-14.....	6-JJ
HR78-14.....	6-JJ
JR78-14.....	6½-JJ
AR78-15.....	4½-JJ
BR78-15.....	4½-JJ
ER78-15.....	5½-JJ
FR78-15.....	5½-JJ
GR78-15.....	6-JJ
HR78-15.....	5½-JJ, 6-JJ
JR78-15.....	6-JJ, 6½-JJ
LR78-15.....	6-JJ, 6½-JJ

Table I-N

165/70 R 13....	4½-JJ, 5-JJ
175/70 R 13....	5-JJ, 5½-JJ
185/70 R 13....	4½-JJ, 5-JJ, 5½-JJ
195/70 R 13....	5½-JJ, 6-JJ
155/70 R 14....	4-JJ
185/70 R 14....	4½-JJ, 5-JJ, 5½-JJ
195/70 R 14....	5½-JJ, 6-JJ
175/70 R 15....	5-JJ
185/70 R 15....	5-JJ, 5½-JJ, 6-JJ, 7-K

Table I-O

140 R 12.....	4.00, 4.00-B, 4-JJ, 4.50, 4.50-B, 4½-JJ
150 R 12.....	3½-JJ, 4.00B, 4-JJ, 4½-JJ
150 R 13.....	3½-JJ, 4.00B, 4½-JJ, 5-JJ
160 R 13.....	4.00B, 4½-JJ, 5-JJ, 5½-JJ
170 R 13.....	4½-JJ, 5-JJ, 5½-JJ, 6-JJ
160 R 14.....	4-JJ, 4½-JJ
180 R 15.....	5-JJ, 5½-JJ

Table I-P	
G45C-16-----	5
Table I-R	
GR60-14-----	7-JJ
FR60-15-----	7-JJ, 8-JJ
GR60-15-----	7-JJ, 8-JJ
HR60-15-----	7-JJ, 9-L
Table I-S	
185/60 R 13----	5-JJ, 5½-JJ
245/60 R 14-----	6½-JJ, 7-JJ
255/60 R 15-----	7-JJ, 9-JJ, 9-L
Table I-T	
205/70 R 14-----	5½-JJ, 6-JJ, 6½-JJ
215/70 R 14-----	5½-JJ, 6-JJ, 6½-JJ, 7-JJ, 8-JJ
225/70 R 14-----	6-JJ, 7½-K
195/70 R 15-----	5½-JJ, 6-JJ
205/70 R 15-----	5½-JJ, 6-JJ, 6½-JJ, 6½-L, 7-JJ
215/70 R 15-----	6-JJ, 6½-JJ, 6½-L, 7-JJ, 7-L, 7½-JJ, 7½-L, 7½-K, 8-K
225/70 R 15-----	6-JJ, 6½-JJ, 7-L, 7½-K, 8-K, 8½-L, 9-L

¹ Italic designations denote test rims.
² Where JJ rims are specified in the above Table J and JK rim contours are permissible.
³ Table designations refer to tables listed in Appendix A of FMVSS No. 109.

Changes:
 Table I-A 8.25-15, rim 6½-JJ added.
 Table I-B D70-14, rim 5-JJ added, F70-14, rim 8-JJ added.
 Table I-D 230-15, rims 6-JJ, 6½-JJ, and 7-JJ added.
 Table I-G GR70-15, rim 7-JJ added.
 Table I-H 155 R13, rim 5½-JJ added.
 Table I-K G60-15, rim 9-JJ added.
 Table I-M FR78-14, rims 5-JJ and 6-JJ added.
 Table I-R GR60-14, rim 7-JJ added, HR60-15, rim 9-L added.
 Table I-S 245/60 R14, rims 6½ and 7-JJ added, 255/60 R15, rims 7-JJ, 9-JJ, and 9-L added.
 Table I-T 255/70 R15, rims 8-K and 8½-L added.

[FR Doc.71-16113 Filed 11-5-71;8:45 am]

Chapter 10—Interstate Commerce Commission

[Ex Parte No. MC-19 (Sub No. 5)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods; Determination of Weights

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 18th day of October 1971.

It appearing, that by report and recommended order, served September 12, 1969, in the above-entitled proceeding, the hearing examiner found that section 3 of part 1056 of the Code of Federal Regulations (49 CFR 1056.3) should be revised and amended as set forth in the recommended order;

It further appearing, that no exceptions were filed to the recommended order, that the effective date thereof was not stayed or postponed by the Commis-

sion, and that on October 13, 1969, the recommended order became the order of the Commission;

It further appearing, that by the Commission's order entered on February 26, 1970, served March 5, 1970, in Ex Parte No. MC-19 (Sub-No. 8), Practices of Motor Common Carriers of Household Goods, Part 1056 of the Code of Federal Regulations was substantially revised and such revision included, among other things the renumbering of those regulations;

It further appearing, that in light of the revisions of section 3, now renumbered section 6, of Part 1056, made in the order of February 26, 1970, in Ex Parte No. MC-19, (Sub-No. 8), and of the inadvertent failure of the order of February 26, 1970, to incorporate the said revision and amendment of section 3 of Part 1056 of the Code of Federal Regulations as recommended by the examiner in Ex Parte No. MC-19 (Sub-No. 5), the Commission, on its own motion, by order dated April 28, 1970, reopened this proceeding and modified the order of October 13, 1969, which, as indicated, had become effective by operation of law but had not yet been incorporated into the Code of Federal Regulations, so as to harmonize the revision and amendment recommended by the examiner with the newly adopted regulations;

It further appearing, that by petition filed December 23, 1970, by the Household Goods Carriers' Bureau and the supporting petition filed by the Movers' and Warehousemen's Association of America, Inc., January 5, 1971, the Household Goods Carriers' Bureau seeks further modification of the order of October 13, 1969, as modified by the order of April 28, 1970, in Ex Parte No. MC-19 (Sub-No. 5), which would (1) permit the weighing of containerized shipments on certified scales prior to loading on the vehicle, as with automobiles, and (2) render the present weighing procedures inapplicable to containerized shipments when the shipper is able to certify the weight thereof on the bill of lading, as with shipments of machinery;

And it further appearing, that the modification proposed would relieve household goods carriers from the burden and expense of determining weights of containerized shipments under procedures which are incompatible with the nature of such shipments, thus enabling the carriers to accomplish the transportation involved in a more efficient and expeditious manner without lessening shipper-assurance of fair weighing for which the present procedures are designed; therefore,

It is ordered, That the order entered herein on October 13, 1969, as modified by the order of April 28, 1970, be, and it is hereby, modified further in the following manner:

By deleting the last two sentences of paragraph (b) of § 1056.6 and inserting in lieu thereof the following; and by modifying paragraph (e), to read as follows:

§ 1056.6 Determination of weights.

(b) * * * Any of the following shipments may be weighed on a certified scale prior to being loaded on the vehicle:

(1) A part load for any one shipper not exceeding 1,000 pounds.

(2) An automobile or other article weighing in excess of 500 pounds which is mounted on wheels.

(3) A shipment which the carrier containerizes for further transportation, in which case the net weight of the shipment shall be the gross weight of the container less the tare weight of the container; the gross weight of the container shall be as packed and prepared for shipment; the tare weight of the container shall include all of the pads, skins, blocking, and bracing used, or to be used, to protect the contents of the container, but not including packing materials used in the preliminary packing of the shipment.

(e) **Exception.** The provisions of paragraph (a), (b), (c), and (d) of this section shall not apply to shipments tendered to the carrier in containers or to shipments consisting solely of machinery (including auxiliary and component parts thereof) which are being transported by household goods carriers pursuant to the definition of household goods in paragraph (a)(3) of § 1056.1: *Provided*, The weight of each shipment is certified by the shipper thereof on the bill of lading covering such shipment: *And provided further*, That nothing contained herein shall relieve the carrier of the obligation to enter in part B of the vehicle-load manifest the gross and tare weights of the vehicle on which such shipment is transported and the net weight of the shipment.

It is further ordered, That notice of the modification of the order entered on October 13, 1969, as modified by the order of April 28, 1970, and as further modified as ordered herein, be given to the general public by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons. All material filed in this proceeding will be available for public inspection at the Office of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington DC, during regular business hours.

And it is further ordered, That the effective date of the modification ordered herein shall be 30 days after date of publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-16279 Filed 11-5-71;8:51 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER J—BRIDGES

[CGFR 71-81a]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Tensaw River, Ala.

This amendment changes the regulations for the Louisville and Nashville railroad bridge across the Tensaw River, mile 15, at Hurricane, Ala., to permit the draw to remain closed from 12 midnight at 8 a.m. This amendment was circulated as a public notice dated August 25, 1971, by the Commander, Eighth Coast Guard

District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGFR 71-81) on August 21, 1971 (36 F.R. 16521). No comments were received.

Accordingly, Part 117 of Title 33, Code of Federal Regulations is amended by revising § 117.245(i) (17) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.

(i) * * *

(17) Tensaw River, Ala.; Louisville and Nashville railroad bridge, mile 15.

(i) The draw shall open on signal from 8 a.m. to 12 midnight. The draw need

not open from 12 midnight to 8 a.m.

(ii) During periods of severe storms or hurricanes from the time the U.S. Weather Bureau sounds an "alert" for the area until the "all clear" is sounded drawtenders shall be constantly on duty and the draw shall open on signal for the passage of vessels.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 493, 49 U.S.C. 1655 (g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1 (c) (4))

Effective date. This revision shall become effective on December 10, 1971.

Dated: November 1, 1971.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment, and Systems.

[FR Doc. 71-16248 Filed 11-5-71; 8:47 am]

Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Reg. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Reduction of Disability Benefit Based on Receipt of Workmen's Compensation

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 552 et seq.) that the amendment to the regulations set forth in tentative form is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendment to the regulations specifies that in computing the reduction of a disability insurance benefit on account of receipt of a workmen's compensation benefit, amounts paid or incurred, or to be incurred, for medical, legal, or related expenses, which are not counted for purposes of the reduction, may be evidenced by the workmen's compensation award, compromise agreement, or court order, or by such other evidence as the administration may require.

Prior to the final adoption of the proposed amendment to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue SW., Washington, DC 20201.

The proposed amendment is to be issued under the authority contained in sections 205, 224, and 1102, 53 Stat. 1368, as amended, 79 Stat. 406, as amended, 49 Stat. 647, as amended; section 5, Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 424, and 1302.

Dated: September 24, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: November 1, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health,
Education, and Welfare.

Subpart E of Regulations No. 4 is amended as set forth below.

Section 404.408 is amended by revising paragraph (d) to read as follows:

§ 404.408 Reduction of benefits based on disability on account of receipt of workmen's compensation.

(d) *Items not counted for reduction.* Amounts paid or incurred, or to be incurred, by the individual for medical, legal, or related expenses in connection with his workmen's compensation claim, or the injury or occupational disease on which his workmen's compensation award or settlement agreement is based, are excluded in computing the reduction under paragraph (a) of this section to the extent that they are consonant with State law. Such medical, legal, or related expenses may be evidenced by the workmen's compensation award, compromise agreement, or court order in the workmen's compensation proceeding, or by such other evidence as the administration may require. Such other evidence may consist of:

- (1) A detailed statement by the individual's attorney, physician, or the employer's insurance carrier; or
- (2) Bills, receipts, or canceled checks; or
- (3) Other clear and convincing evidence indicating the amount of such expenses; or
- (4) Any combination of the foregoing evidence from which the amount of such expenses may be determinable.

Any expenses not established by evidence required by the administration will not be excluded.

[FR Doc.71-16251 Filed 11-5-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Part 173]

[Docket No. HM-93; Notice No. 71-28]

TRANSPORTATION OF HAZARDOUS MATERIALS

Class B Propellant Explosives in Fiber Drums

The Hazardous Materials Regulations Board is considering amendment of §173.93 of the Hazardous Materials Regulations to prohibit the shipment of Class B propellant explosives in specification 21C fiber drums by rail freight transportation.

Several instances of serious accidents and gross container failures involving

Class B propellant explosives packed in DOT-21C fiber drums have been brought to the Board's attention. These instances appear to be directly related to transportation handling practices. Although these problems are reported to have existed in rail and highway transportation, the Board has no evidence that shippers by highway transportation are now experiencing difficulties. Rail carrier representatives together with involved shippers and Federal officials have been unable to resolve the difficulties associated with the rail transportation of this commodity in the packaging. Significantly, on June 8, 1971, the Department of Defense, a major shipper of this Class B propellant explosives, issued an order to all U.S. Army Ammunition Depots to discontinue such shipments by rail box car. Therefore, in view of the continuing seriousness of the situation, the Board is proposing to prohibit the shipment of Class B propellant explosives in DOT-21C fiber drums in rail transportation.

In consideration of the above, it is proposed to amend 49 CFR Part 173 as follows:

In § 173.93, paragraph (a) (10) would be amended to read as follows:

§ 173.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).

(a) * * *

(10) Spec. 21C (§ 178.224 of this chapter). Fiber drum. Each drum having any wooden head must be provided with a strong, sift-proof liner. Net weight may not exceed 225 pounds. Not authorized for shipment by rail freight.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before January 4, 1972, will be considered before final action is taken on this proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on November 2, 1971.

MAC E. ROGERS,
Board Member for the
Federal Railroad Administration.
[FR Doc.71-16240 Filed 11-5-71;8:46 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 245]

[Docket No. 23962; EDR-216]

REPORTS OF OWNERSHIP OF STOCK
AND OTHER INTERESTSProposed Expansion of Reports
Regarding Stock Ownership

NOVEMBER 3, 1971.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 245 of the economic regulations to more precisely define which persons are required to report stock ownership in air carriers and to expand the contents of such reports. The principal features of the proposed amendments are described in the attached Explanatory Statement, and the proposed amendments are set out in the attached proposed rule. The amendments are proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before December 6, 1971, will be considered by the Board before taking action on the proposal. Copies of communications will be available for examination by interested persons in the Docket Section, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL]

HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

In ER-630 (35 F.R. 11781) the Board added Subpart B to Part 245 of the Economic Regulations, effective August 1, 1970, to implement the reporting obligations imposed on stockholders of air carriers by the 1969 amendments to section 407(b) of the Act. As the Board stated in EDR-178,¹ the amendment to section 407(b) was intended by Congress to complement the Board's already existing power to obtain information from the carriers with respect to 5 percent shareholders by enabling the Board to obtain the information directly from the shareholder. In its present form, Subpart B requires every person owning either beneficially or as trustee more than 5 percent of any class of the capital stock or capital of an air carrier to file with the Board annually, and within 10 days of the acquisition of such percentage of stock ownership, a report describing the shares of stock or other interest owned by such person and the amount thereof. In sum, the shareholder reports are designed to identify those owners of

substantial portions of the equity capital of air carriers who may be in a position to influence individual carrier management or who may have acquired, or be likely to acquire, "control" of an air carrier within the meaning of section 408 of the Act.

Our first year of experience with the subpart, however, indicates that the true ownership of substantial portions of air carrier securities remains obscured from the Board's view as a result of procedures employed by banks, brokers, and other financial intermediaries to facilitate stock trading, and involving transfer of various "rights of ownership" in the stock itself (e.g., the power to vote, sell, and receive dividends) to persons other than the record owner, and the use of multiple entities to veil the gradual accumulation of significant amounts of carrier stock by individuals or groups.²

More specifically, there are gaps in the present stock disclosure system arising from (1) conflicts in interpretation of the key terms and phrases used in the subpart, and (2) the absence of an effective verification procedure to insure that beneficial shareholders who acquire the prescribed percentage of a class of a carrier's stock timely file reports with the Board. Thus, questions have arisen concerning the scope of the terms "trustee" and "beneficial owner," with narrow interpretations being urged which would limit the Board's access to information concerning the ownership of stock. Another question has been raised as to whether a trustee holding more than 5 percent of airline stock must report all beneficial interests therein or only those beneficial interests which themselves involve the requisite percentage. In addition, since the subpart does not presently require a reporting corporation to identify or describe its principal shareholders, most of the information received from corporations does not satisfy the reporting objectives previously stated.

Accordingly, while the Board is aware that a more comprehensive scheme of

² For example, our records show that Cede and Co., a nominee partnership for the Stock Clearing Corp., which is a subsidiary of the New York Stock Exchange, is the leading record stockholder of five of 12 trunkline carriers (American Airlines, Inc., Continental Airlines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., and Trans World Airlines, Inc.) and a significant record holder in Braniff Airlines, Inc., and Western Air Lines, Inc. Yet Cede merely holds the securities to perform clearinghouse functions for such brokerage firms, which may, in turn, hold the stocks in trust for other undisclosed persons. On the other hand, over 5 percent of Northwest's stock is owned by six different mutual funds affiliated under the control of one corporation. This illustrates that a related group of accounts held by a broker may be used to accumulate substantial shareholdings in a carrier subject to the control of one person or group. Finally, by spreading stock holdings among several different brokers or banks, an individual can anonymously hold a significant amount of carrier stock through numerous accounts, each consisting of less than 5 percent of the carrier's outstanding equity.

stock disclosure requirements may cause a slight increase in the reporting burden on certain beneficial and record shareholders of air carriers, the public interest in assuring full disclosure of the identity of substantial holders of airline stocks requires that we take immediate steps to clarify and strengthen existing regulations. We think it clear that, by amending section 407(b) in 1969 so as to require direct reporting by carrier shareholders, Congress intended to achieve full disclosure of substantial interests in carrier securities, regardless of the various forms and devices for separating beneficial from record ownership which could be used by persons covertly seeking to acquire control of an air carrier.

Essentially, the proposed amendments enlarge and realine the shareholder reporting requirements to provide the Board with more detailed and better quality information as to the identity of persons who hold the prescribed percentage of carrier stocks and the location of the various rights of ownership, in cases where such rights are separated from the record ownership of the securities. As elsewhere explained, the proposed rules also clarify the reporting role of banks and brokerage firms to the extent that they merely hold blocks of stock for their clients.

The salient features of the proposed rules are as follows:

1. We first propose broadly to define trustee to include any person other than a beneficial owner who holds record ownership of securities, or who possesses or exercises one or more rights of ownership, such as the right to vote the stock and rights with respect to control of disposition of the stock. Such a broad definition is, we believe, consistent with the congressional purposes embodied in section 407(b) and should insure that persons subject to the disclosure rules do not avoid detection at the threshold of regulation.

2. In view of the deficiencies in the stock reporting system earlier discussed, we propose to expand significantly the contents of the reports required under Subpart B. Specifically the annual report and report of acquisition would additionally include, *inter alia*, the identity of the reporting corporation and of stockholders which hold 10 percent or more of the capital stock of such corporation, along with a description of the business activities of each reporting corporation or other person named in the report. It would also include the identity of the person, if other than the person reporting, who possesses the right to vote, sell, prevent sale, or otherwise dispose of the reported securities, or who receives dividends from the stock.

The new information, which is modeled after the descriptive data reported by carrier "affiliates" under Part 246 of the Board's regulations (14 CFR Part 246) is intended to assist the Board in determining whether the reporting entity may be controlled by or in a common control relationship with persons obliged to further competing interests, and to isolate the various rights

¹ 35 F.R. 5628, Apr. 1, 1970.

of ownership which could be utilized to exercise behind-the-scenes control of carrier operations.

3. We also propose to require a report of transactions wherein persons subject to the disclosure rules transfer an interest in more than 5 percent of their stock to another person as security for a loan. Since, upon default of the loan agreement, the holder of the security interest may possess the power to vote, or influence the voting of the pledged securities, this report should provide a valuable tool for the Board to uncover potential accumulations of the power to vote carrier securities. As more fully described in § 246.16, the report will require a statement of the rights accruing to the pledgee, the term of the security agreement, and the remedies available upon default of the loan.

4. As previously indicated, we propose broadly to define trustee to include banks, brokers, and other persons who hold air carrier securities as a matter of record. A special problem, however, exists in the case of banks and brokers to the extent that they hold air carrier securities in accounts for customers. Under the existing regulation, each bank or broker subject to its provisions would be required to disclose beneficial holdings of all customers regardless of the size of the individual holdings. Obviously, this requirement would impose undue burdens on the reporting institutions, who may have thousands of accounts to screen. In addition, due to the frequent changes in the amount of stock held in customer accounts it is also burdensome for banks and brokers to determine the maximum number and class of shares held and the percentage of such shares to total outstanding capital of the carrier during the year covered by the annual report. On the other hand, large blocks of carrier stocks may be split up into several separate accounts in one financial house, or spread among several financial houses in accounts of less than 5 percent of the carrier's outstanding securities. Thus, in order to insure that the reporting requirements are not evaded by beneficial owners, identification of accounts holding significant blocks of air carrier stocks is desirable.

Considering the foregoing matters, it is proposed to relieve banks and brokers covered by the regulation from the burden of filing an annual report and report of acquisition and to require them to file instead a quarterly report with respect to any accounts which include one-half of 1 percent (0.5%) or more of a reported security as of the end of each quarter. This report would elicit most of the information contained in the annual and acquisition reports.

While this proposal would in a sense require more detailed information from banks and brokers than that required of certificated carriers under Part 241 (14 CFR Part 241), we tentatively conclude that section 407(b), in conjunction with the Board's general powers under section 204(a) of the Act, gives the Board broad authority to require trustee shareholders to disclose all beneficial interests, regardless of size, so long as the trustee

is covered by section 407(b). To otherwise interpret the statute would frustrate the intention, previously noted, of insuring to the maximum extent possible that beneficial ownership is reported. Moreover, in light of the considerable number of shares required to achieve a 0.5 percent stock interest in most trunk-line carriers, this requirement should not prove burdensome.⁴

It should be emphasized that the proposed exception for brokers and banks is not intended to apply to other trustees holding the requisite per centum of carrier stock. However, in cases where the requirement would cause hardship to the reporting shareholder, the Board would consider granting a waiver upon application and proper showing by the trustee.

Finally, we intend to make appropriate implementing amendments to Subpart B to require air carriers to include in their annual reports to shareholders notice of the additional reporting requirements proposed herein.

Accordingly, it is proposed to amend Part 245 of the Economic Regulations (14 CFR Part 245) as follows:

1. Amend the Table of Contents to Subpart B to read as follows:

Subpart B—Reports of Owners or More Than 5 Per Centum of Any Class of Capital Stock or Capital of an Air Carrier

Sec.
245.11 Definitions.
245.12 Annual report.
245.13 Report of acquisition.
245.14 Quarterly report by banks and brokers.
245.15 Report of security transactions.
245.16 Responsibility of carriers.

§ 245.1 [Amended]

2. Amend the footnote to § 245.1 to read as follows:

⁴ See § 298.11(f) of Part 298, § 373.3 of Part 373, § 378.3 of Part 378 and § 378.3a of Part 378a of this chapter exempting air taxi operators, study group charterers, inclusive tour operators, and bulk inclusive tour operators, respectively.

3. Amend Subpart B to read as follows:

Subpart B—Reports of Owners of More Than 5 Percent of Any Class of Capital Stock or Capital of an Air Carrier

§ 245.11 Definitions.

As used in this subpart, unless the context otherwise requires:

"Air carrier" means "air carrier" as defined in section 101(3) of the Act, except air carriers relieved or exempted from section 407(b) of the Act.⁵

"Bank" means any person primarily engaged in business as a commercial bank or trust company, or both, and subject to regulation or examination under the laws of the United States or any State.

"Broker" means any person engaged in the business of effecting transactions

⁴ For example, 0.5 percent of the outstanding common stock of American Airlines equals 104,878 shares, or a total investment, as per the closing exchange price of American common on Oct. 28, 1971, of 3,880,486.

⁵ See footnote 6 of § 245.1.

in securities for the account of others, but not a bank.

"Person" means an individual, firm, partnership, corporation, company, association, or any two or more persons acting in concert or under common control or direction.

"Shares" and shareholdings" shall include any interest in the capital or capital stock of an air carrier.

"Trustee" means any person, other than a beneficial owner, who holds record ownership of shares, or who possesses or exercises one or more of the rights of ownership such as the right to vote, receive dividends from, sell, or otherwise dispose of, or to prevent the sale or disposition of such shares.

§ 245.12 Annual report.

(a) *Time for reporting.* On or before April 1 of each year, every person owning either beneficially or as trustee, more than 5 per centum of any class of the capital stock or capital, as the case may be, of an air carrier including the right to vote, receive dividends from, sell or otherwise dispose of, or to prevent sale or disposition of such shares, shall file a report covering such shares or rights therein owned as of December 31 of the preceding year.

(b) *Contents of annual report.* (1) Name of air carrier in which stockholdings are being reported.

(2) Name and address of person reporting.

(3) Number and class of shares covered and percentage of such shares to total outstanding capital, or a description of any other interest held, as of December 31 of the preceding year.

(4) Maximum number and class of shares covered and percentage of each such shares to total outstanding capital during the preceding year.

(5) Name and address of each person for whose account any such shares or other interest is held and the number and class of shares so held in each account, if the person reporting is not the beneficial owner of all shares or other interests covered by the report.

(6) Name and address of each person holding record ownership of any such shares or other interest and the number and class of shares so held by each owner of record, if the person reporting is not the record owner of all shares or other interests covered by the report.

(7) Name and address of each person, other than the beneficial owner or record owner of any of the shares covered by the report, who possesses or exercises the right to vote, receive dividends from, sell or otherwise dispose of, or prevent the sale or disposition of such shares, and the number and class of shares as to which his rights extend.

(8) Name and address of each person, if the person reporting is itself a corporation, holding more than 10 per centum of the beneficial or record ownership of any class of its capital stock, and a description of the percentage of its shares of any class held by each such shareholder and indicating whether such class is voting, nonvoting, common or preferred.

(9) Names and addresses of all partners, associates or joint venturers and a

description of their respective interests in the person reporting, if the person reporting is a partnership, association or a joint venture.

(10) A description of the principal occupation or business activity of each person named in the report, including the person reporting. Such description shall include, with respect to any named person performing common carrier service, the geographical area authorized to be served, and the nature of any license held by such person to perform such service.

(c) *Exception.* A bank or broker, to the extent that this section applies to it as trustee, or an officer or director who has complied with Subpart A of this part, need not file an annual report.

§ 245.13 Report of acquisition.

(a) *Time for reporting.* Every person acquiring ownership, either beneficially or as trustee, of more than 5 percent, in the aggregate, of any class of the capital or capital stock of an air carrier, as the case may be, including the right to vote, receive dividends from, sell, or otherwise dispose of, or to prevent sale or disposition of such shares, shall, within 10 days after acquiring such ownership, file a report covering the shares or rights therein acquired.

(b) *Contents of report of acquisition.* A report filed under this section shall contain the information specified in § 245.12(b), except that the information required by paragraph (b) (3) thereof shall be computed as of the date of acquisition.

(c) *Exceptions.* (1) A bank or broker, to the extent that this section applies to it as trustee, need not file a report of acquisition.

(2) A person who owns, either beneficially or as trustee, more than 5 percent of any class of the capital stock or capital of an air carrier and has filed a report of acquisition under this section, or an annual report under § 245.12, need not file a report under this section with respect to an additional acquisition of shares of such carrier.

§ 245.14 Quarterly report by banks and brokers.

(a) *Time for reporting.* A bank or broker who holds as trustee more than 5 percent of any class of the capital stock or capital of an air carrier shall file, within 10 days after the last day of each calendar quarter (i.e. March 31, June 30, September 30, and December 31), a report covering the shares held on the last day of such quarter.

(b) *Contents of quarterly report.* (1) Name of air carrier in which stockholdings are being reported.

(2) Name and address of bank or broker reporting.

(3) Number and class of shares held as trustee.

(4) Number of accounts for which it holds such shares.

(5) As to any account for which it holds shares amounting to one-half of 1 percent (0.5 percent), or more, of any class of the capital stock or capital of the air carrier covered by the report, there shall be disclosed:

(i) The name and address of each person for which such account is held.

(ii) The number and class of shares held for each such account and the percentage of such shares to the total outstanding capital of the air carrier as of the last day of the quarter covered by the report.

(iii) The name and address of any person, other than the person named in subdivision (i) of this subparagraph, who possesses or exercises the right to vote, receive dividends from, sell or otherwise dispose of, or prevent the sale or disposition of, the shares held in such account.

§ 245.15 Report of security transactions.

Any person subject to this subpart who has granted, pledged, assigned, hypothecated or otherwise transferred a security interest in more than 5 percent of any class of the capital stock or capital of an air carrier to another person shall, within 30 days after such transaction, file a report containing the following information:

(a) The name and address of the person to whom the security interest was granted.

(b) The term of the security agreement.

(c) A brief description of the rights accruing to the holder of the security interest, including the remedies available to him in the event of a default by the person reporting.

§ 245.16 Responsibility of carriers.

It shall be the responsibility of every air carrier, as defined in § 245.11:

(a) To notify each shareholder of record owning more than 1 percent of any class of its capital stock, or capital, of the requirements of this part by mailing to such persons a copy of this subpart on or before March 1 of each year; and

(b) To include in its annual report to shareholders a notice that (1) any person who owns as of December 31st of the year preceding issuance of such annual report or who thereafter acquires ownership, either beneficially or as trustee, of more than 5 percent, in the aggregate, of any class of the capital stock or capital of the air carrier shall file with the Board a report containing the information required by § 245.12, on or before April 1, as to the capital stock or capital owned as of December 31 of the preceding year, and in the case of stock acquired under § 245.13 within 10 days of such acquisition, unless such person has otherwise filed with the Board a report covering such acquisition or ownership, (2) any bank or broker covered by subparagraph (1) of this paragraph to the extent that it holds shares as trustee on the last day of any quarter of a calendar year, shall file with the Board within 10 days of the quarter a report in accordance with the provisions of § 245.14, and (3) any person required to report under this subpart who grants a security interest in more than 5 percent of any class of the capital stock or capital of the air carrier shall file with the Board a report containing the information required in § 245.15. The notice shall also state that any shareholder who believes that he

may be required to file such a report may obtain further information by writing to the Director, Bureau of Operating Rights, Civil Aeronautics Board, Washington, D.C. 20428.

[FR Doc.71-16266 Filed 11-5-71;8:50 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 71-1149]

FEDERAL SAVINGS AND LOAN SYSTEM

Mobile Facilities

OCTOBER 28, 1971.

Resolved that the Federal Home Loan Bank Board considers it desirable to amend § 545.14-4 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.14-4) for the purpose of allowing a Federal association to maintain a mobile facility at the same location for a maximum of 3 days in each week, instead of 2 days. Accordingly, the Federal Home Loan Bank Board hereby proposes to amend said § 545.14-4 by revising paragraph (c) (3) thereof to read as follows:

§ 545.14-4 Mobile facility.

(c) *Action by the Board.* Each application by a Federal association which is an eligible association under the provisions of paragraph (b) of this section will be considered or processed pursuant to the provisions of this section. The Board's approval of any such application will be subject to the following provisions and any other conditions, requirements, and limitations the Board may specify in a particular case:

(3) Any such facility shall be open for business at the same location on the same day or days (not to exceed 3 days) of each week, during such hours, aggregating a total of not less than 4 hours a day, as the association's board of directors may from time to time determine;

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further, That interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by December 10, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL]

EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.71-16252 Filed 11-5-71;8:47 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

ELEMENTAL SULPHUR FROM MEXICO

Withholding of Appraisement Notice

Information was received on March 2, 1971, that elemental sulphur from Mexico was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of April 6, 1971, on page 6526. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) or the exporter's sales price (section 204 of the Act; 19 U.S.C. 163), as applicable, of elemental sulphur from Mexico is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

STATEMENT OF REASONS

The information before the Bureau tends to indicate the probable basis of comparison will be between purchase price or exporter's sales price and the home market price.

Preliminary analysis suggests that purchase price will probably be calculated on a C & F, landed U.S. destination price, or on a delivered U.S. terminal price, with appropriate deductions for terminal charges, ocean freight, and inland freight.

Exporter's sales price will probably be calculated on the delivered price in the United States, with appropriate deductions for home market inland freight, net Mexican export tax, ocean freight, brokerage, terminal charges, inland freight from terminal to U.S. customer, and selling expenses.

Home market price will probably be based on a f.o.b. plant price.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price or exporter's sales price, as appropriate, will be lower than home market price.

Customs officers are being directed to withhold appraisement of elemental sulphur from Mexico in accordance with § 153.48, Customs regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs regulations (19 CFR 153.32(b), 153.37), interested parties may

present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs regulations, shall become effective upon publication in the FEDERAL REGISTER (11-6-71). It shall cease to be effective at the expiration of 6 months from the date of this publication, unless previously revoked.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: November 2, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[FR Doc.71-16237 Filed 11-5-71;8:46 am]

Internal Revenue Service

GRANTS OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding 1 year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public safety.

Carlisle, Winston DeWitt, 4238 West Van Buren Street, Chicago, IL, convicted on November 21, 1947, in the Cook County Circuit Court, Chicago, IL.

Cofer, Johnny L., 1714 Serene Lane, Birmingham, AL, convicted on April 18, 1961, in the Circuit Court of Elmore County, Ala. Floyd, Robert Lee, Route 2, Box 374, Pineville, KY, convicted on November 10, 1965, in the U.S. District Court for the Eastern District of Kentucky.

Hacker, William D., Rural Route 2, Shawano, WI, convicted on December 30, 1963, and on April 1, 1969, in the Shawano County Court, Shawano, Wis.

Hardin, Lee Somerville, 6025 Dias Avenue, Space 124, Sacramento, CA, convicted on November 25, 1957, in the U.S. District Court, Seattle, Washington.

Heredia, Michael, 923 North Third Street, Saginaw, MI, convicted on July 5, 1947, in the Bay County, Mich., Circuit Court.

Hering, John L., 12498 Nott Road, Clio, MI, convicted on December 31, 1954, in the Genesee County Circuit Court, Michigan. Jensen, Aksel Elon, 425 Clocks Boulevard, Amityville, NY, convicted on January 28, 1962, in the Supreme Court of Nassau County, N.Y.

Krukons, Richard A., Ritchie Avenue, Milton, Vt., convicted on April 18, 1969, in the Chittenden District Court, Burlington, Vt.

Perkins, Donald, Sr., 18845 Rlopello Street, Detroit, MI, convicted on February 26, 1954, in the Recorder's Court of the city of Detroit, Mich.

Rak, Noel, 1317 150th Place, Hammond, IN, convicted on March 3, 1968, in the Criminal Court of Lake County, at Crown Point, Ind.

Taylor, Allen, 1323 Janes Street, Saginaw, MI, convicted on June 14, 1938, in the Criminal Court of Shelby County, Memphis, Tenn.

Taylor, Howard F., 1323 Janes Street, Saginaw, MI, convicted on October 17, 1940, in the Criminal Court of Shelby County, Memphis, Tenn.

Signed at Washington, D.C., this 20th day of October 1971.

[SEAL] REX D. DAVIS,
Director, Alcohol, Tobacco,
and Firearms Division.

[FR Doc.71-16285 Filed 11-5-71;8:50 am]

Office of the Secretary

[T.D. 71-277]

CERTAIN PLASTIC FASTENERS

Tariff Classification

On the basis of a petition filed by an American manufacturer under section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), it has been determined that the classification of certain plastic fasteners in item 774.60, Tariff Schedules of the United States, as articles of plastic not specially provided for is not correct.

The fasteners in question consist of plastic filaments of various lengths, with both ends in the shape of a "T". They are produced in "clips" consisting of numerous units of fasteners, and are inserted into garments, cloth, or other materials by use of a special gun-like hand tool having a needle designed with a channel or groove running the length of the needle.

The fasteners are used in retail stores and elsewhere to attach labels to garments or to hold articles together and are also used for a variety of other purposes, including attaching linings to outer garments, joining various layers of insulating materials for use in air conditioning and other similar equipment,

and attaching or replacing buttons, fasteners, and belt loops on clothing. Most of these operations are sewing operations.

The petitioner has been notified that the plastic fasteners in question are clasps within the meaning of the superior heading preceding item 745.63, Tariff Schedules of the United States, and are properly classifiable as sew-on fasteners under that item number. This ruling will result in a higher rate of duty for this merchandise than would be assessed under item 774.60.

In accordance with section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516), all merchandise of this kind entered, or withdrawn from warehouse, for consumption more than 30 days after publication of this notice in the weekly Customs Bulletin shall be classified in accordance with this determination.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

[FR Doc.71-16239 Filed 11-5-71;8:46 am]

POSTAL SERVICE

Designation of Instruments for Exemption Under the Securities Exchange Act of 1934

NOVEMBER 3, 1971.

Paragraph 12 of section 3(a) of the Securities Exchange Act of 1934, as amended, provides in part that when used in title I thereof, unless the context otherwise requires, the term "exempted security" or "exempted securities" shall include such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors.

Notice is hereby given that under that authority I have today designated for exemption any obligations of the U.S. Postal Service issued pursuant to section 2005 of title 39, United States Code.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary
of the Treasury.

[FR Doc.71-16286 Filed 11-5-71;8:51 am]

DEPARTMENT OF DEFENSE

Department of the Army

[Interchange Order 2]

CAVE RUN DAM AND RESERVOIR, KY.

Joint Order Interchanging Administrative Jurisdiction

By virtue of the authority vested in the Secretary of Agriculture and the Secretary of the Army by the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505(a), 505(b)), it is ordered as follows:

(1) The land under the jurisdiction of the Department of the Army described in Exhibit A, as set forth below and made a part hereof, which lands are within and adjacent to the exterior boundaries of the Daniel Boone National Forest, Ky., are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture, subject to outstanding rights or interests of record and to such continued use by the Corps of Engineers as is necessary for the construction, protection, and unrestricted operation, maintenance, and administration of the water storage and flood-control facilities and functions of the Cave Run Reservoir.

(2) The National Forest lands described in Exhibit B, as set forth below and made a part hereof, which are a part of the Daniel Boone National Forest, Ky., are hereby transferred from the jurisdiction of the Secretary of Agriculture to the jurisdiction of the Secretary of the Army.

Pursuant to section 2 of the aforesaid Act of July 26, 1956, the National Forest lands transferred to the Secretary of the Army by this order are hereafter subject only to laws applicable to Department of the Army lands comprising the Cave Run Reservoir Project. The Department of the Army lands transferred to the Secretary of Agriculture by this order are hereafter subject to the laws applicable to lands acquired under the Act of March 1, 1911 (36 Stat. 961), as amended.

Effective date. This order will be effective as of date of publication in the FEDERAL REGISTER (11-6-71).

ROBERT F. FROEHLKE,
Secretary of the Army.

AUGUST 9, 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

SEPTEMBER 10, 1971.

EXHIBIT A

LANDS TRANSFERRED FROM THE SECRETARY OF THE ARMY TO THE SECRETARY OF AGRICULTURE

The following listed tracts acquired by the Department of the Army for or in connection with the Cave Run Dam and Reservoir Project in Bath, Rowan, Menifee, and Morgan Counties, Ky.:

- Segment 1: All of Tracts 104, 106, 107, 108, 109, 110, 111, 113, 114, 116, 117, 118, 125, 126, 127, 133, 134, and portions of Tracts 105, 121, 122, 124, 135.
- Segment 2: All of Tracts 202, 203, 204, 205-1, 205-2.
- Segment 4: All of Tracts 402, 405, 407, 409.
- Segment 5: All of Tracts 501, 502, 503, 504, 505, 506, 508, 510.
- Segment 8: All of Tract 805.
- Segment 9: All of Tracts 919, 923, 927.
- Segment 11: All of Tracts 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110.
- Segment 12: All of Tracts 1200, 1201, 1202, 1203, 1204, 1205, 1208, 1209, 1210.
- Segment 13: All of Tracts 1302-1, 1302-2, 1303-1, 1303-2.
- Segment 14: All of Tracts 1400, 1401, 1402, 1403, 1404-1, 1404-2, 1404-3, 1404-4, 1405, 1406, 1407, 1408, 1409, 1410, 1411.

- Segment 15: All of Tracts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510.
- Segment 16: All of Tracts 1603, 1605, 1606, 1607, 1608, 1610.
- Segment 17: All of Tracts 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1710, 1711, 1712, 1713.
- Segment 18: All of Tracts 1800, 1801.
- Segment 19: All of Tracts 1900, 1901, 1902, 1904, 1905.
- Segment 20: All of Tracts 2000, 2001, 2002, 2003, 2004, 2005, 2006.
- Segment 21: All of Tracts 2100-1, 2100-2, 2100-3, 2101-1, 2101-2, 2102, 2103-1, 2103-2, 2104, 2105-1, 2105-2, 2105-3, 2107, 2109, 2111, 2112, 2113.
- Segment 22: All of Tracts 2200, 2201, 2202, 2203-1, 2203-2, 2203-3, 2204-1, 2204-2, 2205-1, 2205-2, 2206, 2207-1, 2207-2, 2208, 2210, 2211, 2212, 2213, 2214, 2215-1.
- Segment 23: All of Tracts 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307-1, 2307-2, 2308, 2309, 2310, 2311-1, 2311-2, 2312.
- Segment 24: All of Tracts 2400, 2401, 2402.
- Segment 25: All of Tracts 2501, 2503, 2504, 2505-1, 2505-2, 2509.
- Segment 26: All of Tracts 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2610.
- Segment 27: All of Tracts 2700, 2701, 2702-1, 2702-2, 2703, 2704, 2705.
- Segment 28: All of Tracts 2800-1, 2800-2, 2801, 2802.
- Segment 29: All of Tracts 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912.
- Segment 30: All of Tracts 3000, 3001, 3002.
- Segment 32: All of Tracts 3200, 3201, 3202, 3203, 3205, 3206.
- Segment 35: All of Tracts 3500, 3501, 3502, 3503, 3505.
- Segment 36: All of Tracts 3600, 3601, 3602, 3603, 3604, 3605, 3606, 3607, 3608, 3609, 3610, 3611, 3612, 3613.
- Segment 38: All of Tracts 3800, 3801, 3803, 3804, 3805, 3806, 3807, 3810.
- Segment 39: All of Tracts 3900, 3901, 3904, 3905, 3906, 3907.
- Segment 40: All of Tracts 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016.
- Segment 41: All of Tracts 4103, 4107, 4108, 4112.
- Segment 43: All of Tracts 4300, 4301.
- Segment 47: All of Tracts 4700, 4701, 4702, 4703.
- Segment 53: All of Tracts 5305, 5306, 5307, 5308.
- Segment 54: All of Tracts 5402, 5403, 5404-1, 5404-2, 5405-1, 5405-2, 5406, 5407, 5410, 5413.

The lands listed above consist of 16,748.72 acres, more or less. Legal descriptions of the transferred tracts and Real Estate Segment Maps depicting their location are on file in the office of the District Engineer, U.S. Army Engineer District, Louisville, Ky., and the office of the Forest Supervisor, Daniel Boone National Forest, Winchester, Ky.

EXHIBIT B

LAND TRANSFERRED FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE ARMY

Tract 393-II, consisting of 8.35 acres, more or less.

Complete legal description of the transferred tract and survey plat depicting their locations are on file in the Office of the District Engineer, U.S. Army Corps of Engineers, Louisville District, Louisville, Ky.; and the Office of the Forest Supervisor, Daniel Boone National Forest, Winchester, Ky.

[FR Doc.71-16243 Filed 11-5-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Delegation of Authority Regarding Contracts and Leases

OCTOBER 18, 1971.

A. Pursuant to the redelegation of authority contained in BLM Manual 1510.03C, the Chief, Division of Management Services and Chief, Branch of Administrative Management, State Office, are authorized to enter into contracts for supplies and services within the limits of procurement authority delegated to the State Director in BLM Manual 1510.03B2d.

B. Pursuant to the redelegation of authority contained in BLM Manual 1510.03C, the District Managers and Chief, Division of Administration, District Offices are authorized, excluding capitalized equipment and major non-capitalized property:

1. To procure supplies and services available from established sources of supply regardless of amount.

2. To enter into contracts pursuant to section 302(c) (3) of the FPAS Act, for supplies, services, and rental of equipment and aircraft not to exceed \$2,500 per transaction; and for construction not to exceed \$2,000 per transaction: *Provided*, That the requirement is not available from established sources of supply.

3. To enter into contracts pursuant to section 302(c) (2) of the FPAS Act, regardless of amount. This authority is to be used for rental of equipment and aircraft and for procurement of supplies and services required for emergency fire suppression and presuppression, where the order exceeds \$2,500.

C. The District Managers may redelegate the authority for use of Standard Form 44 Order-Invoice-Voucher to any qualified employees under their jurisdiction. The redelegation must be in writing by name designation and subject to monetary and other limitations as may be prescribed by the District Managers. The designated employee, State Office, and the Service Centers shall be furnished with a copy of all such redelegations.

D. Contracts or other procurement entered into under delegated authority must conform with applicable regulations and statutory requirements and are subject to availability of appropriations.

E. All redelegated authority shall be exercised in accordance with the applicable limitations in the FPAS Act and in accordance with applicable policies, procedures, and controls prescribed by the General Services Administration and as set forth by the Department of the Interior and the Bureau of Land Management.

F. Delegation of authority regarding contracts and leases published in the FEDERAL REGISTER on September 18, 1971, page 18679, is hereby revoked.

ROLAND A. RUSH,
Acting State Director.

[FR Doc.71-16259 Filed 11-5-71;8:48 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

CAVE RUN DAM AND RESERVOIR, KY.

Joint Order Interchanging Administrative Jurisdiction

CROSS REFERENCE: For a document issued jointly by the Department of Defense and the Department of Agriculture regarding interchange of administrative jurisdiction of certain lands, see F.R. Doc. 71-16243, Department of Defense, *supra*.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

GROUND FISH FISHERIES

Closure of Season

Notice is hereby given pursuant to § 240.8(a) (3), Title 50, Code of Federal Regulations, as follows:

On November 2, 1971, the Executive Secretary of the International Commission for the Northwest Atlantic Fisheries notified each contracting government having vessels operating in the regulatory area known as Subarea 5, defined in § 240.1(b) (5) that the accumulative landings of yellowtail flounder in the division east of 69° West longitude have reached 80 percent of a catch limit of 16,000 metric tons as provided in § 240.6 (b) (1). (See announcement of the catch limit established for yellowtail flounder from Subarea 5 published in the FEDERAL REGISTER of January 6, 1971, 36 F.R. 158.)

I hereby announce that the 1971 season for the taking of yellowtail flounder from the division east of 69° West Longitude in Subarea 5 without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate at 0001 hours, local time, November 13, 1971.

Issued at Washington, D.C., and dated November 3, 1971.

ROBERT W. SCHONING,
Acting Director, National
Marine Fisheries Service.

[FR Doc.71-16241 Filed 11-5-71;8:47 am]

Office of the Secretary

[Dept. Organization Order 40-1B]

BUREAU OF DOMESTIC COMMERCE

Organization and Functions

This material supersedes the material appearing at 36 F.R. 4554 of March 9, 1971, and 36 F.R. 13172 of July 15, 1971, except as noted in section 10 "Savings Provision" of this order.

SECTION 1. *Purpose*. This order prescribes the organization and assignment of functions within the Bureau of Domestic Commerce.

SEC. 2. *Organization and structure*. The organization structure and line of au-

thority of the Bureau of Domestic Commerce (the "Bureau") shall be as depicted in the attached organization chart. (A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.)

SEC. 3. Office of the Bureau Head.

.01 The Deputy Assistant Secretary and Director, Bureau of Domestic Commerce, shall determine the objectives of the Bureau, formulate policies and programs for achieving those objectives, and direct execution of the Bureau's programs.

.02 The Deputy Director shall assist in the direction of the Bureau and perform the functions of the Director in his absence. He shall also provide direction and guidance to the staff offices.

SEC. 4. *Staff offices*. .01 The Office of Management Resources shall provide the administrative management services, set forth below and shall serve as the Bureau's point of coordination with departmental elements directly providing other administrative management services to the Bureau. The Office shall be headed by a Director who shall direct all activities of the Office, as set forth below:

a. The Budget Division shall perform the budget function and exercise fiscal control.

b. The Management Information Division shall develop and provide, on a regular basis, tabulations, analyses, and reports of project dollars and manpower costs, and shall develop and maintain a project control system in order for management to assess accomplishments, assign priorities, and plan for future needs.

c. The Management Analysis and Administrative Services Division shall perform the following functions: Management and organization analysis; directives, correspondence, files, and forms management; committee management; and property, supply, and space management.

.02 The Office of Public Affairs shall plan and conduct an information program for the Bureau and shall provide technical guidance and control in the preparation and issuance of Bureau publications. The Office shall be headed by a Director who shall direct all activities of the Office.

SEC. 5. *Office of Domestic Business Policy*. The Office of Domestic Business Policy shall provide analyses of current and developing industry and trade conditions; recommend policies and program objectives to stimulate balanced growth of U.S. industry; prepare analyses of policy issues involving specific industries and business segments for use by other operating units of the Department, other Federal agencies, the Congress, and business and industry in developing policies, plans, and programs; and serve as the principal office within the Bureau for examining issues of specific industries and business segments as these might affect the economic and technological growth of the economy. The Office shall be organized as set forth below:

.01 The Office shall be headed by a Director who shall direct all activities of the Office. He shall be immediately

assisted by a Deputy Director who shall also perform the functions of the Director in his absence.

.02 The Marketing and Consumer Affairs Division shall coordinate intradepartment consumer matters. It shall identify, analyze, and conduct or sponsor research on issues and problems with respect to the marketing sector and consumer affairs matters; develop related policy recommendations on governmental plans, programs and legislation; and consult with industry on the impact of such proposals.

.03 The Industrial Relations and Economics Division shall analyze Federal policies and industry practices which affect industrial efficiency and develop such policy options as will promote optimal utilization of industrial resources. The Division's area of responsibility shall include policy matters relating to industrial taxation, insurance, labor, capital, and use of technology.

.04 The Business and Community Growth Division shall analyze current and projected urban business problems and propose actions to facilitate business involvement in the development and growth of new and existing communities.

.05 The Legislation Division shall prepare or coordinate within the Bureau the preparation of responses to legislative inquiries, and shall develop and review proposed legislation on business-related issues. The Division shall coordinate its activities with the Office of the General Counsel.

.06 The Marine Resources and Environmental Affairs Division shall analyze and develop policy options to promote industrial development of marine resources and to insure a balanced approach to the solution of industrial pollution problems.

Sec. 6. Office of Trade Adjustment Assistance. The Office of Trade Adjustment Assistance shall recommend policies and procedures of adjustment assistance to minimize the adverse effects on industry of import competition and shall administer the trade adjustment assistance program.

.01 The Office shall be headed by a Director who shall direct all activities of the Office. He shall be immediately assisted by a Deputy Director who shall also perform the functions of the Director in his absence.

.02 The Office shall also perform the following specific functions:

a. Establish guidelines and procedures to govern submission and processing of requests by firms for certification of eligibility to apply for adjustment assistance under section 302(b)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq., "the Act");

b. Prepare recommendations for action by the Assistance Secretary for Domestic and International Business on requests from firms for certification of eligibility to apply for adjustment assistance under section 302 (b) (1) and (c) of the Act;

c. Establish guidelines and procedures to govern submission and processing of applications by firms for adjustment assistance under section 311 of the Act;

d. Render guidance and assistance to firms in the preparation of proposals for adjustment assistance under section 311 of the Act;

e. Prepare recommendations for action by the Secretary on proposals for adjustment assistance submitted by firms under sections 311 and 317 of the Act;

f. As appropriate, refer certified adjustment proposals to Federal agencies for action and maintain followup on such referrals;

g. Furnish financial and/or technical assistance to firms whose adjustment proposals have been certified by the Secretary, if an agency to which an adjustment proposal has been referred notifies the Director of its determination not to furnish technical or financial assistance;

h. Establish procedures for investigation of a firm's progress in implementing adjustment proposals for which adjustment assistance has been provided under the Act;

i. Perform investigations as necessary to insure compliance by firms receiving adjustment assistance with requirements of the Act and implementing regulations; and

j. Administer such regulations as may be necessary to assure the adequacy and effectiveness of the program for trade adjustment assistance, subject to applicable provisions of title III of the Act and such directions as the Secretary or the Assistant Secretary for Domestic and International Business may prescribe.

Sec. 7. Office of Business Research and Analysis. The Office of Business Research and Analysis shall serve as a principal source within Government for data and industry/commodity analyses and shall establish and maintain a data base for use by Government, industry, and others in analyzing and assessing developments and trends in selected industry areas and in establishing appropriate policy and program recommendations. The Office shall be organized as set forth below:

.01 The Office shall be headed by a Director who shall direct all activities of the Office. He shall be immediately assisted by a Deputy Director who shall also perform the functions of the Director in his absence. In addition, the Deputy Director shall provide direction to the following staff units:

a. The Data Forecasting Staff shall develop techniques and methods for improving forecasting of measures of activity for specific industries and business segments, and shall be responsible for publication of industrial outlook reports covering economic and industry analysis and trends for major industries.

b. The Special Reports Staff shall compile special-purpose tabulations and reports involving more than one industry or business segment.

.02 The industry divisions, as listed below, shall collect, evaluate, categorize, and analyze statistical data on an assigned group of industries; and shall otherwise prepare such data and analyses for dissemination:

Metals and Minerals Division.
Chemicals, Petroleum, and Rubber Division.
Construction, Water Resources, and Engineering Division.

Forest Products, Packaging, Printing, and Publishing Division.

Business, Photographic, and Scientific Equipment Division.

Consumer Products Division.

Transportation Equipment Division.

Communications and Electronics Division.

General Industries Division.

Service Industries Division.

In carrying out these responsibilities, each Division shall:

a. Obtain industry data from established governmental sources, major industry sources, trade associations, and other primary statistical data collection organizations, or directly from industries, journals, trade publications, or any other sources of potential business information and data;

b. Evaluate, categorize, analyze, and maintain economic, business, industry, trade, finance, and technology data; and

c. Publish and disseminate commodity/industry data to a wide range of users within and outside Government, as well as provide data in readily usable formats for the specialized needs of individual users.

Sec. 8. Office of Industrial Mobilization. The Office of Industrial Mobilization shall carry out the Bureau's assigned industrial mobilization and readiness responsibilities; assure readiness of industrial resources for national emergencies and an adequate flow of materials essential for national defense, atomic energy, and other critical programs; provide policy guidance and coordinate industrial mobilization activities within the Department; and maintain liaison with other agencies of the Government and with friendly foreign governments on industrial mobilization matters. The Office shall be organized as set forth below:

.01 The Office shall be headed by a Director who shall direct all activities of the Office. He shall be immediately assisted by a Deputy Director who shall also perform the functions of the Director in his absence.

.02 The Mobilization Readiness Division shall develop and test the organizational plans and procedures for the Bureau to assume the responsibility for industrial production, construction, and distribution in the event of national emergencies; assist and guide industry in preparing for the conduct of emergency operations to assure the continuity of required production; and recruit and train Executive Reservists to be prepared to assume major responsibilities in the event of a national emergency.

.03 The Industrial Resources Division shall provide guidance and recommendations to the Office of Emergency Preparedness on matters relating to the National Stockpile Program, including the establishment of objectives, development of procurement programs, and purchase specifications, special instructions, disposal programs, storage manuals, and special studies; provide staff support for the Chairman, NATO Industrial Planning Committee and the cochairman, United States/Canada Emergency Industrial Production and Materials Committee; and investigate and report on alleged impact of imports on national security.

.04 The Industrial Evaluation Division shall identify industrial facilities of exceptional importance to mobilization readiness, the national security, and postattack and recovery; specify standards for assessing and evaluating their production capabilities; supervise the preparation of industrial analyses of critically important products and industrial services, including essential survival items; conduct industrial feasibility studies to determine capabilities to meet national emergencies; and provide liaison between the Bureau and the National Resources Analysis Center of the Office of Emergency Preparedness.

.05 The Mobilization Plans Division shall support current national defense requirements by administering the Defense Materials System and Priorities Program under Title I of the Defense Production Act, and plan for and maintain emergency measures for regulating the production and distribution of materials during emergency situations.

Sec. 9. Office of Business Services. The Office of Business Services shall serve as the Department's principal medium of contact with the business community for:

a. Ascertaining the needs and desires for information relevant to the private economy that falls within the scope of Commerce's responsibilities, arranging or participating in the effective delivery of Commerce's business-related information products, and assisting in the planning and design of additional business information;

b. Aiding businesses in the utilization of such information services; and

c. Promoting participation of the general business community in the resolution of economic, technological and socioeconomic business problems of the Nation.

Through Business Services Field Offices, located throughout the country, the Office shall, in particular, provide assistance and service to business communities in utilizing information and related business programs of Commerce and of other agencies; shall perform the field work and services involved in the programs of the Bureau and the Bureau of International Commerce; and shall perform services for other organizations of Commerce as may be mutually agreed upon. The Office shall also carry out the domestic trade fairs and the domestic international exposition functions of the Bureau; and shall provide staff support for the National and Regional Export Expansion Councils. The Office shall be organized as set forth below:

.01 The Office shall be headed by a Director who shall plan and direct the activities of the Office, and a Deputy Director who shall assist in direction of the Office and perform the functions of the Director in his absence.

.02 The Program Management Division shall provide administrative, logistical, budgetary, and personnel services; develop and prescribe systems and procedures for the Office; coordinate workload requirements with resources; evaluate performance and recommend appropriate measures for continuous improvement of professional proficiency; and

service requirements for publication sales and library business reference facilities.

.03 The Business Cooperation Division shall develop and maintain liaison and communication with national, State, and local business and trade organizations, State and local governmental entities, professional groups, and institutions to effect the exchange of ideas and to develop the framework for promoting Government/business participation in the resolution of economic, technological, and socioeconomic problems; provide staff support for the National and Regional Export Expansion Councils; and provide support and guidance to field offices in these endeavors.

.04 The Program Development Division shall in cooperation with the Program Managers of the Bureau, other units of the Department, and other agencies, identify, adapt, and develop substantive programs, information, and services to meet the needs of the business community and be responsible for overall program planning and review to create greater awareness, utilization, and effectiveness of the business-related services of the Department.

.05 The Business Opportunities Division shall promote and deliver to the business community the international, technological, and socioeconomic programs, information, and services of the Bureau, the Department, and other Federal agencies; develop and disseminate both domestic and international business opportunities; and publish the Commerce Business Daily and provide general supervision of publication sales and library business reference services.

.06 The Trade Fairs and Expositions Division shall provide information, promotional assistance, and certification services to industry associations, business, and civic groups and other operators of domestic trade fairs; arrange trade fair and industry visits for foreign businessmen; develop, schedule, and arrange for exhibits and displays to promote Bureau and Department programs and services at selected domestic trade fairs; review requests and prepare recommendations on U.S. Government recognition of international expositions to be held in the United States; plan, develop, construct, and operate Federal pavilions and exhibitions at such international expositions; and publicize scheduled domestic trade fairs and Federal exhibitions.

.07 The Business Services Field Offices, as listed in Appendix B, shall perform the following functions for the geographic areas pertinent to their respective locations:

a. Represent the Bureau of Domestic Commerce and the Bureau of International Commerce with business, industry, community groups, and local governments;

b. Provide representation or particular services in their respective localities for the Office of the Secretary or for any operating unit of the Department as may be mutually agreed;

c. Create awareness of and disseminate marketing information business

opportunities, technological data, and other information products of the Department applicable to business and counsel on their uses and application;

d. Obtain information on business, industry, and community conditions and trends to assist the Bureau in formulating and recommending policies, plans, and programs on such matters;

e. Implement the Department's domestic trade and export expansion programs at the regional and local levels;

f. Serve as a general source of information on all Commerce programs; facilitate contacts and communication, as may be needed, between State and local groups and individuals on the one hand and appropriate offices and officials of the Department on the other; and otherwise serve as a focal point for effective relations with various segments of the local communities on major developments involving Commerce programs that affect business and economic growth; and

g. Carry out the Department's industrial mobilization and emergency programs at the regional and local levels.

Sec. 10. Savings provision. Appendices A and B of February 14, 1971, are not superseded (36 F.R. 4555-4557 of Mar 9, 1971).

Effective date: October 18, 1971.

LARRY A. JOBE,
Assistant Secretary
for Administration.

[FR Doc.71-16227 Filed 11-5-71; 8:45 am]

[Dept. Administrative Order 216-0]

STATEMENTS ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

Policies and Procedures

The following order was issued by the Secretary of Commerce on October 23, 1971. This material supersedes the material appearing at 35 F.R. 19532 of December 23, 1970, including all attachments.

SECTION 1. Purpose. .01 This order prescribes the policies and procedures to be followed throughout the Department in the preparation of statements and comments on proposals for legislation and other major actions significantly affecting the quality of the environment. This order is intended to supplement present Council on Environmental Quality Guidelines which are attached as Attachment A.¹

.02 This revision reflects changes in the recently issued guidelines of the Council on Environmental Quality. It also contains additional information and procedures that should assist the Department in meeting the requirements of the National Environmental Policy Act of 1969. The clarification of procedures reflects the experience to date in meeting those requirements.

Sec. 2. General. .01 Section 102(2) (c) of the National Environmental Policy

¹ Attachment A filed as part of the original document. See 36 F.R. 7724, Apr. 23, 1971.

Act of 1969 requires all Federal agencies to include in every recommendation or report on proposals for legislation and other major Federal action significantly affecting the quality of the human environment a detailed statement, by the responsible official on:

a. The environmental impact of the proposed action;

b. Any adverse environmental effects which cannot be avoided;

c. Alternatives to the proposed action;

d. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and,

e. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

.02 The section of the law cited above further prescribes that prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement, and the comments and views of the appropriate Federal State, and local agencies which are authorized to develop and enforce environmental standards, shall be made available to appropriate officials, as well as the public, and shall accompany the proposal through the existing agency review processes.

SEC. 3. *Policies.* .01 The Department shall, to the maximum extent possible, cooperate fully in the national effort to improve environmental quality, including extending its services to other Federal, State, and local agencies for assistance in evaluating the impact of Federal actions on the environment.

.02 No major action, including legislative matters, shall be taken or approved within the Department that significantly affects the environment unless a detailed environmental statement has been prepared and approved, as provided herein.

.03 Heads of operating units shall establish procedures to assure that all relevant program matters within their respective areas of responsibility are reviewed to assess the need for statements on the impact of environmental quality.

.04 The Department is responsible for the preparation of environmental statements on those actions related to responsibilities formally delegated or assigned to the Department. Environmental statements shall normally not be prepared in support of matters which are the primary responsibility of other agencies.

.05 The Department shall fulfill its responsibility for commenting on statements referred to it by other departments and agencies, pursuant to section 102(2) (c) of the Act and Executive Order 11514.

SEC. 4. *Scope and responsibilities.* .01 Heads of operating units shall:

a. Determine whether proposed major actions of their operating unit have, or are likely to have, a significant impact on the environment;

b. Prepare an intradepartmental discussion paper on these actions and sub-

mit it for comment and review. These discussion papers should primarily contain relevant factual information and include economic and technical considerations as well as environmental values;

c. Review statements prepared by other agencies which have been referred to them for that purpose; and

d. Keep the Assistant Secretary for Science and Technology advised of (1) future actions that will have or be likely to have a significant impact on the environment and (2) other matters that affect his assigned responsibilities in the environmental area.

.02 Department Organization Order 10-1 assigns the Assistant Secretary for Science and Technology certain Department-wide responsibilities for carrying out the National Environmental Policy Act and Executive Order 11514, and in connection with environmental matters generally. In discharging these responsibilities the Assistant Secretary shall:

a. Prepare, review, evaluate, and approve both draft and final environmental statements and transmit approved statements and related material to the Council on Environmental Quality, in accordance with Council guidelines;

b. Conduct departmental coordination and clearance of environmental impact statements. Draft and final environmental impact statements shall be so designated only after departmental review and clearance are completed;

c. Arrange for draft environmental impact statements to be made available to other agencies and the public;

d. Receive for review draft environmental statements prepared by other departments and agencies and referred to the Department for that purpose; and whenever appropriate prepare the DOC comments;

e. Interpret and supplement guidelines established by the Council, and otherwise provide guidance to operating units in preparing and commenting on environmental statements; and

f. Supplement procedures for preparation, review and coordination of statements contained in this order or issued by the Council and the Office of Management and Budget, except as noted in paragraph .03 below.

.03 The General Counsel and Assistant Secretary for Administration shall supplement procedures for preparation, review, and coordination of environmental statements contained in this order or issued by the Council on Environmental Quality and Office of Management and Budget, as follows:

General Counsel: Statements required in connection with legislative proposals or reports; and

Assistant Secretary for Administration: Statements required in connection with budget material.

.04 a. For the purposes of this order the term "major actions" shall include:

1. Legislative actions including:

(a) Recommendations or favorable reports relating to legislation including that for appropriations initiated by the Department of Commerce.

(b) Favorable recommendations or reports by the Department of Commerce on legislative proposals initiated outside the Department of Commerce and for which the Department of Commerce has or would have primary authority.

2. Projects and continuing activities. Such projects and continuing activities include those directly undertaken by the Department of Commerce or supported in whole or in major part by the Department of Commerce through technical assistance, contracts, grants, cost sharing, subsidies, loans or other forms of funding support. They include grants and loans for public works and development facilities, economic development planning assistance, or economic development technical assistance, as provided in Attachment D to OMB Circular A-95 revised (February 9, 1971).

3. Policy changes or new procedures that may have a significant impact on the environment.

4. Research projects and activities when:

(a) Research is to be conducted in a manner which would have direct impact on the environment, however localized such impact may be (e.g., cloud seeding experiments), or

(b) Research is intended to form the basis for development of future projects which would be considered major actions under this order.

b. The dollar and physical size of a project are not necessarily a reliable guide to determine whether it is a "major" action. The following shall not be considered major actions under this order:

1. Legislative proposals, program or budget proposals or actions which provide for the continuation of existing programs at approximately current levels and without material change in their environmental effects provided that an environmental statement has been prepared previously on the program.

2. Normal housekeeping functions including personnel actions, procurement of general supplies and contracts for personal services.

3. Amendments to actions, including increases in cost, which do not alter the environmental impact of the actions.

4. Other actions specifically determined by the Deputy Assistant Secretary for Environmental Affairs not to fall under the requirement of this order.

Where a series of related projects under a program have substantially similar environmental impacts, the program, rather than the individual projects, may be considered as major actions for the purposes of this order, unless the proposed projects are to be conducted under widely varying geographic or environmental conditions.

SEC. 5. *Preparation, review and coordination of departmental statements.*

.01 All major actions shall be reviewed by heads of operating units or their delegates at the earliest opportunity to determine whether such actions have a significant impact upon the environment.

a. Where it is determined that the major action may, individually or in

combination with other actions, have a significant impact on the environment, a discussion paper shall be prepared.

b. The term "significant impact" shall include major actions of the Department of Commerce which may have both a beneficial and detrimental effect, even if on balance it is believed to have a beneficial effect. A significant environmental impact may exist depending upon the extent to which there is a potential for: (1) An alteration of an ecosystem, or (2) measurably affecting existing or future population of man or other forms of life, or (3) a major commitment of natural resources or major change in land use.

Actions which, in themselves, would not involve significant environmental impact as contemplated in this order none-the-less shall be considered as having a significant impact if they can reasonably be expected to set a precedent for a series of actions which, when considered cumulatively, would involve a significant impact.

.02 A draft environmental statement shall be prepared for each action which, individually or in combination with other actions, will likely have a significant impact on environment and will include the information required in Attachment A. The usual sequence shall be that a discussion paper will be furnished the Deputy Assistant Secretary for Environmental Affairs. He will circulate it within the Department. After appropriate internal review and clearance, if it is determined that a draft environmental impact statement is required, he will prepare the draft statement which will be sent to the Council on Environmental Quality and to appropriate Federal, State, and local agencies. After comments are received a final statement will be prepared and sent to the Council on Environmental Quality. Comments on the draft statement will be forwarded with the final statement. Specifically, it shall be the responsibility of heads of operating units to:

a. Provide the Deputy Assistant Secretary for Environmental Affairs with a discussion paper for review and evaluation. This submission shall include a list of suggested agencies from which it is proposed to seek comments. A letter transmitting the proposed statement to these agencies should be prepared for the signature of the Deputy Assistant Secretary for Environmental Affairs. See Attachment B² for a sample letter. The Deputy Assistant Secretary's office may request additions to or deletions from the distribution list.

b. Give careful consideration to comment from outside the Department in the preparation of final environmental statements and assure that copies of any comments accompany the environmental statements.

c. Review and certify that-proposed final environmental statements comply

with the requirements provided by law and regulation. Fifteen (15) copies of final statements shall be furnished to the Deputy Assistant Secretary for Environmental Affairs.

d. Assure that the latest statement accompany the action item through any reviews required by existing Departmental procedures.

e. Statements should be circulated with ample lead time for comments to be received and reviewed before actions such as obligation of funds are required. The timing should also recognize the review times required by the new CEQ guidelines (Attachment A).

.03 The Assistant Secretary for Science and Technology shall transmit the draft and final environmental statements and comments to the Council on Environmental Quality as provided in section 10(b) of the guidelines. In addition, he shall make the statements, and the comments and views obtained with respect to them, available to the public as provided by 5 U.S.C. 552 (the Freedom of Information Act). Final environmental impact statements together with agency comments on the draft statement will be readily available to the public. Arrangements have been made by the Council on Environmental Quality to utilize the National Technical Information Service (NTIS) as the means by which environmental impact statements are made available to the public. Requests for copies of statements and comments should be referred to NTIS.

SEC. 6. *Implementation of actions requiring departmental statements.* To the maximum extent practicable, no proposals for legislation or administrative actions subject to section 102(2) (c) are to be taken sooner than ninety (90) days after a draft environmental statement has been circulated for comment or sooner than thirty (30) days after the final text of an environmental statement has been made available to the Council and the public. When actions must be taken sooner than the above guidance permits, a full report of the reason for earlier actions should be prepared to supplement the environmental impact statement and the CEQ should be consulted in advance whenever possible.

SEC. 7. *Comments on nondepartmental statements.* .01 Operating units shall review all environmental statements referred to them by the Assistant Secretary for Science and Technology. They shall submit the results of their review to the Assistant Secretary to assist him in preparation of comments.

.02 Operating units shall forward to the Assistant Secretary all requests for comments made directly to them by other departments or agencies as soon as received. However, this does not preclude field offices providing a preliminary response to an impact statement they receive locally, as long as it is made clear that the official DoC position will be forthcoming at a later date.

.03 The Assistant Secretary shall develop and coordinate the Department's comments with the office or offices of pri-

mary concern. The Assistant Secretary shall then transmit the comments to the requesting department or agency.

SEC. 8. *Other requests for comments.* In order to prevent lead agencies from being bypassed and to minimize duplication and avoid unnecessary work, the Department will only review draft environmental impact statements referred by Federal agencies having lead agency assignments for preparation of statements. When requests for comments are received from other than Federal agencies, a letter, similar to the example in Attachment C,³ should be sent to the originator stating that the draft statements are referred to the Department by the Federal agency having the responsibility for preparation of an environmental impact statement. A copy of the letter should be sent to the Deputy Assistant Secretary for Environmental Affairs office and where the lead agency can be identified a copy should be sent to that agency.

SEC. 9. *Monthly report of major actions reviewed and environmental impact statements to be prepared.* The heads of operating units shall submit a report to the Deputy Assistant Secretary (Science and Technology) for Environmental Affairs on the 5th working day of each month. This report shall list all major actions or proposals reviewed during the previous month for environmental impact. The actions reviewed should be limited to those that might reasonably be expected to have environmental impact. The list should include both items found not to significantly affect the quality of the human environment as well as those for which environmental impact statements were or will be prepared. Only new items need to be reported each month. The first report will be due October 5, 1971. After 1 year, the requirement for this report will be reviewed.

SEC. 10. *Special cases.* The CEQ guidelines state "Proposed actions, the environmental impact of which is likely to be high controversial, should be covered in all cases." A proposed action shall be considered controversial where a substantial number of persons are known to believe that the proposed action will have an adverse environmental impact or where actions of a similar nature have been opposed on environmental grounds in the past.

SEC. 11. *Savings provision.* Nothing in this order shall be construed to limit or alter authority of the General Counsel as chief law officer of the Department with respect to construction or interpretation of laws and regulations.

Effective date: October 23, 1971.

LARRY A. JOBE,
Assistant Secretary
for Administration.

[FR Doc.71-16245 Filed 11-5-71;8:47 am]

² Attachment B filed as part of original document.

³ Attachment C filed as part of original document.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Housing Administration

[Docket No. N-71-105]

CLOSING COSTS AND SETTLEMENT CHARGES

Notice of Public Participation in Study

Pursuant to section 701 of the Emergency Home Finance Act of 1970 (U.S.C. 701) the Secretary of Housing and Urban Development and the Administrator of Veterans Affairs are presently conducting a joint study of closing costs and settlement charges designed to develop recommendations for legislative and administrative actions which could be taken to reduce such costs and standardize them.

All persons who are interested in suggesting standards governing the amounts of settlement costs in connection with housing financed or assisted under the National Housing Act or chapter 37 of title 38 United States Code or otherwise commenting on the above subject matter are invited to submit written comments or suggestions in triplicate on or before November 23, 1971, referring to the above matter by docket number and addressed to the Programs Division, Office of the Assistant Commissioner for Programs, Housing Production and Mortgage Credit—FHA, Room 6134, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All relevant material will be considered before submission of the final report. A copy of each communication will be available for public inspection at regular business hours at the above address.

Issued at Washington, D.C., November 2, 1971.

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.71-16282 Filed 11-5-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 71-124]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approv-

als have been terminated as herein described during the period from October 15, 1969, to April 15, 1971 (List No. 12-71). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 290b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

HATCHETS (LIFEBOAT AND LIFE RAFT) FOR MERCHANT VESSELS

The Mann Edge Tool Co., Lewistown, Pa., no longer manufactures certain hatchets and Approval No. 160.013/2/2 was therefore terminated effective April 1, 1971.

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

The Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, SC 29604, Approval Nos. 160.050/39/0, 160.050/40/0 and 160.050/41/0 expired and were terminated effective April 8, 1971.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

NOTE: For motorboats of Class A, 1, or 2 not carrying passengers for hire.

The Tuffy Products Co., 540 West Third Street, Bloomsburg, PA 17815, no longer manufactures certain unicellular plastic foam buoyant vests and Approval Nos. 160.052/368/0, 160.052/369/0 and 160.052/370/0 were therefore terminated effective April 6, 1971.

FIRE-PROTECTIVE SYSTEMS

The Fyr-Fyter Co., Newark Branch Office, Post Office Box 2750, Newark, NJ 07114, Approval No. 161.002/4/3 expired and was terminated effective October 15, 1969.

BOILERS, AUXILIARY, AUTOMATICALLY CONTROLLED, PACKAGED, FOR MERCHANT VESSELS

The Seattle Boiler Works, 5237 East Marginal Way South, Seattle, WA, Approval No. 162.026/7/0 expired and was terminated effective April 15, 1971.

STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

The Keene Corp., Industrial Insulation Division, 500 Breunig Avenue, Trenton, NJ 08602, no longer manufactures certain structural insulations and Approval No. 164.007/19/0 was therefore terminated effective April 2, 1971.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

The Keene Corp., Industrial Insulation Division, 500 Breunig Avenue, Trenton, NJ 08602, no longer manufactures certain incombustible materials and Approval No. 164.009/50/0 was therefore terminated effective April 2, 1971.

The Raybestos-Manhattan, Inc., Asbestos Textile Division, Manheim, Pa. 17545, no longer manufactures certain incombustible materials and Approval No. 164.009/84/0 was therefore terminated effective April 8, 1971.

Dated: October 27, 1971.

G. H. READ,
Captain, U.S. Coast Guard, Acting
Chief, Office of Merchant
Marine Safety.

[FR Doc.71-16246 Filed 11-5-71;8:47 am]

[CGFR 71-125]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from April 2, 1971, to April 7, 1971 (List No. 11-71). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard, with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard, for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/12/0, Models 211-SF-17.5 and 231-SF-17.5 unicellular plastic foam work vests, dwgs. 61D821 and 61D823 with bills of material dated June 21, 1961, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective April 7, 1971. (It is an extension of Approval No. 160.053/12/0 dated May 24, 1966.)

STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

Approval No. 164.007/18/0, "B-E-H 6-pound felt," mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III-6/36, dated July 16, 1943, approved for use without other insulating material to meet Class A-60 requirements in a 4-inch thickness and 6 pounds per cubic foot density, manufactured by Keene Corp., Ceiling and Insulation Division, Princeton Service Center, U.S. Route 1, Princeton, N.J. 08540, Plant: Huntington, Ind., effective April 2, 1971. (It supersedes Approval No. 164.007/18/0 dated February 25, 1969; to show change of name and address of manufacturer.)

Approval No. 164.007/22/0, "B-E-H 8-pound felt," mineral wool type structural insulation identical to that described in National Bureau of Standards letter, File III-6/36, dated July 16, 1943, approved for use without other insulating material to meet Class A-60 requirements in a 3-inch thickness and 8 pounds per cubic foot density, manufactured by Keene Corp., Ceiling and Insulation Division, Princeton Service Center, U.S. Route 1, Princeton, N.J. 08540, Plant: Huntington, Ind., effective April 2, 1971. (It supersedes Approval No. 164.007/22/0 dated February 25, 1969; to show change of name and address of manufacturer.)

Approval No. 164.007/23/0, "B-E-H Mono-Block," mineral wool type structural insulation identical to that described in National Bureau of Standards Test Reports Nos. TG3619-47:FR1820 dated January 7, 1941, and TG3610-1493:FP2569 dated November 10, 1947, boards approved for use without other insulating material to meet Class A-60 requirements in a 2-inch thickness and 18 pounds per cubic foot density, manufactured by Keene Corp., Ceiling and Insulation Division, Princeton Service Center, U.S. Route 1, Princeton, N.J. 08540, Plant: Kalamazoo, Mich., effective April 2, 1971. (It supersedes Approval No. 164.007/23/0 dated February 25, 1969; to show change of name and address of manufacturer.)

BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/62/0, Marinite, Ltd., bulkhead panel "Marinite-45" identical to that described in the National Bureau of Standards report No. FR3743 dated January 25, 1971, and Marinite's letter dated August 29, 1969; approved as meeting Class B-15 requirements in a density of 45 lbs. per cubic foot in a 3/4-inch thickness, manufactured by Marinite, Ltd., Cape Universal House Exchange Road, Watford Herts, England, Plant: Marinite, Ltd., Germiston Works, Pertershell Road, Springburn, Glasgow No. 1, Scotland, effective April 2, 1971. (It supersedes Approval No. 164.008/62/0 dated February 5, 1971; to show minor change.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/28/1, "B-E-H Spun Felt," mineral wool insulation type incombustible material identical to that

described in National Bureau of Standards Reports Nos. TG10210-1921:FP3257 dated December 16, 1954, and TG10210-2021:FP3448 dated May 6, 1958, approved in a density of from 2 1/2 to 4 pounds per cubic foot, manufactured by Keene Corp., Ceiling and Insulation Division, Princeton Service Center, U.S. Route 1, Princeton, N.J. 08540, Plant: Huntington, Ind., effective April 2, 1971. (It supersedes Approval No. 164.009/28/1 dated February 25, 1969; to show change of name and address of manufacturer.)

Approval No. 164.009/49/0, "Thermasil," asbestos-hydrous calcium silicate type pipe and block insulation identical to that described in Ehret Magnesite Manufacturing Co.'s letter of October 18, 1957, to the Commandant, U.S. Coast Guard, manufactured by Keene Corp., Ceiling and Insulation Division, Princeton Service Center, U.S. Route 1, Princeton, N.J. 08540, Plant: Valley Forge, Pa., effective April 2, 1971. (It supersedes Approval No. 164.009/49/0 dated February 25, 1969; to show change of name and address of manufacturer.)

Approval No. 164.009/65/1, "Kaylo 20" asbestos-hydrous calcium silicate type incombustible material without factory applied covering, identical to that described in Owens-Corning Fiberglas Corp. letter dated December 30, 1960, approved in a density of 12.5 pounds per cubic foot, manufactured by Owens-Corning Fiberglas Corp., Toledo, Ohio 43601, effective April 5, 1971. (It is an extension of Approval No. 164.009/65/1 dated April 22, 1966.)

Dated: October 27, 1971.

G. H. READ,
Captain, U.S. Coast Guard, Acting
Chief, Office of Merchant
Marine Safety.

[FR Doc.71-16247 Filed 11-5-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23956, Order 71-11-18]

AMERICAN AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of November 1971.

By tariff revision¹ marked to become effective November 4, 1971, American Airlines, Inc. (American), proposes to establish reduced charter rates of \$3.26 per charter mile and \$3 per ferry mile for application between the continental United States and Hawaii on its B-707-323 aircraft having 160 to 175 seats.

Continental Air Lines, Inc. (Continental), and World Airways, Inc. (World), have filed complaints requesting investigation and suspension of American's proposed rates. Continental alleges that the proposed reductions (ranging from 16 percent between Honolulu and New York to 22 percent between Honolulu and Los

Angeles) are so drastic as to require the strongest justification, but that American has failed to supply any cost information, thereby making it impossible to determine whether the proposed rates are economical even on an incremental basis. Continental further alleges that American's proposed operation is not incremental in nature, as it is designed to enable American to fulfill its contract with the American International Air Service (AITS) announced in July 1971 which calls for American to dedicate an aircraft to the operation of three flights per week between the mainland and Hawaii for split charter groups. Continental contends that, in light of American's low-load factors in the Hawaii market this past summer, ranging from 35.1 percent in June to 40.8 percent in July, American can ill afford to lower its rates in a market where charters will be in direct competition with its own scheduled service as well as with the services of its competitors.

World asserts that the proposed rates are without economic justification making their suspension and investigation a necessity.

In support of its proposal and in answer to the complaints American asserts that the proposed rates are designed to match lower rates now offered by other carriers for affinity group charters in the market concerned; that the rates will apply only to charters operated with high density aircraft, and that charter rates which are even lower on a per-seat mile basis are presently being offered by Overseas National Airways (ONA) and Trans International Airlines (TIA). It further asserts its rates are in line with those applicable to MAC charters and that other carriers have comparable plane load rates in the transatlantic market.

AITS has filed an answer to Continentals' complaint asserting that suspension of the proposal would frustrate and delay implementation of its tour program with serious economic consequences to AITS and to the State of Hawaii.

Upon consideration of the tariff proposal and other relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial or otherwise unlawful and should be investigated. The Board further concludes that the tariff in question should be suspended pending investigation.

The rates proposed by American reflect significant reductions from its present charter rates, and from charter rates of other carriers operating comparable aircraft types. We note, also, that American's reported domestic direct aircraft operating costs for B-707 aircraft in calendar 1970 were 1.334 cents per available seat-mile, and that general industry experience indicates that total costs before return on investment tend to be about double direct aircraft operating costs. For this reason, and in the absence of any cost data which would indicate the contrary, we seriously question whether they are adequate to fully cover the cost of providing the service.

¹ Revision to American Airlines, Inc., tariff CAB No. 65.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 401, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the charter rate of \$3.26 per mile and ferry rate of \$3 per mile applicable to B-707-323 aircraft and the Explanation of Notes "C" and "E" on 27th Revised Page 5 of American Airlines, Inc.'s CAB No. 65, and rules, regulations, and practices affecting such rates and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful; and if found to be unlawful, to determine and prescribe the lawful rates and provisions, and rules, regulations, or practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the charter rate of \$3.26 per mile and ferry rate of \$3 per mile applicable to B-707-323 aircraft and the Explanation of Notes "C" and "E" on 27th Revised Page 5 of American Airlines, Inc.'s, CAB No. 65, are suspended and their use deferred to and including February 1, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of Continental Air Lines, Inc., in Docket 23914 and of World Airways, Inc., in Docket 23932 are hereby dismissed;

4. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. A copy of this order be filed with the above-named tariff and served upon American Airlines, Inc., Continental Air Lines, Inc., World Airways, Inc., and American International Air Service which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.²

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-16268 Filed 11-5-71; 8:50 am]

/ [Docket No. 23949; Order 71-113]

NORTHEAST AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of November 1971.

By tariff revisions¹ marked to become effective November 15, 1971, Northeast Airlines, Inc. (Northeast) proposes to extend the availability of its southbound weekend and 7-21 day excursion fares to points in Florida and return through

January 31, 1972. These fares are presently set to expire with December 15, 1971. The proposal would, however, black out the fares on certain peak days, and would restrict the applicability of the 7-21 day excursion fares to Tuesdays, Wednesdays, and Thursdays.

In support of its proposal, Northeast alleges that it is extending the fares to coincide with its decision to operate its fall schedules through January, instead of changing to peak winter schedules on December 16, in view of last year's disappointing traffic picture. The carrier has provided summary traffic data showing that it carried more southbound passengers in November of 1970 than in January 1971. Northeast alleges that restricting the application of the 7-21 day excursion fares to Tuesday, Wednesday, and Thursday will even out traffic flow and compliment the proposed extension of the weekend fares. With respect to the weekend fares, Northeast alleges that, although Friday is a peak travel day, there is room for further traffic stimulation in January as indicated by the fact that its January 1971 Friday load factor was 51.3 percent. The carrier estimates a 30-percent generation factor and a net revenue gain of \$80,164.

Eastern and National have filed complaints² requesting suspension and investigation of Northeast's proposals. It is alleged that a comparison of summary traffic data is meaningless in judging the reasonableness of the fares, and that the fares' generative effect in November as a part of an inexpensive Florida trip would not be the case in January where the fare has much less impact on the total trip price. The complainants allege further that extension of the fares into the peak season will merely be a wind-fall gain for traffic accustomed to paying normal fares.

In answer to the complaints, Northeast contends that since fewer passengers traveled last January than in the preceding November, the 7-21 day excursion fares would be as reasonable this upcoming January as they are in the present off-peak period. With respect to the weekend fares, the carrier alleges that, while there has been a lack of inclination in the past to develop new traffic after December 15 because of high load factors, there is sufficient capacity this season, even on weekends, to accommodate additional traffic. Further, Northeast asserts that the argument that the air fare is a small part of total trip costs is without merit. It is alleged that, while the traditional winter vacation is sufficiently lengthy as to render the air fare a small proportion of total cost, the short-stay weekend passenger will respond to availability of a low air fare.

Upon consideration of the tariff filing, the complaints and answer thereto, and all relevant matters, the Board has determined that the proposed extension of the southbound weekend and 7-21 day excursion fares to Florida may be unjust or unreasonable or unjustly discrimina-

tory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposed extension of the fares should be suspended pending investigation.

The winter season is critically important to the financial well being of the major Florida carriers and we believe that the offering of widely available discount fares during this period should be permitted only if a fairly clear expectation of profit improvement can be shown. In our opinion, this showing has not been made. Northeast alleges that it anticipates a 30-percent generation of new traffic and that its experienced Friday load factors (51.3 percent) evidence an ability to accommodate this additional traffic. On the other hand, this load factor approaches a level twice that experienced on Tuesdays (28.7 percent) and it appears to us that the proposal could very well aggravate the already pronounced peaking in traffic demand. As we have previously noted, promotional fares available during heavy travel periods will tend to create pressure towards an inherently uneconomic increase in capacity during those times.

With respect to the 7-21 day excursion fares, Northeast has provided no generation/diversion estimates and relies almost wholly on the fact that the total number of passengers carried last year in the months of November and January is about the same. We are inclined to agree that such a summary comparison of traffic is of limited value, and believe that the more important consideration is how much diversion as compared to generation is likely to occur.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the provisions described in Appendix A hereto,³ and rules, regulations, and practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the provisions described in Appendix A hereto are suspended and their use deferred to and including February 12, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints of Eastern Air Lines, Inc., in Docket 23899, and National Airlines, Inc., in Docket 23902, are hereby dismissed;

4. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

² Concurring statement of Member Miretti filed as part of the original document.

¹ Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs C.A.B. Nos. 136 and 142, and Northeast Airlines, Inc., Tariff C.A.B. No. 127.

³ Eastern's complaint is directed only at the 7-21 day fares.

² Filed as part of the original document.

5. Copies of this order be filed with the aforesaid tariffs and be served upon Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.*

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-16267 Filed 11-5-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 566]

COMMON CARRIER SERVICES INFORMATION¹

Domestic Public Radio Services Applications Accepted for Filing²

OCTOBER 18, 1971.

Pursuant to §§ 1.227(b) (3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to

section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 1970-C2-P-72—Airsignal International, Inc. (New), New one-way station to be located at the First National Bank Building, 165 Madison, Memphis, TN, to operate on 158.70 MHz.
- 1971-C2-P-(2)-72—Western Mobilphone, Inc. (New), New one-way station to be located at Sandia Mountain Crest, 9 miles northeast of Albuquerque, N. Mex., to operate on 152.24 MHz.
- 1972-C2-P-(2)-72—United Telephone Co. of Florida (KRM968), Add frequency 152.60 MHz, replace transmitter operating on 152.72 MHz and change the antenna system located at 823 Fifth Avenue South, Naples, FL.
- 1994-C2-AL-72—Communication Specialists Co., Inc., Consent to assignment of license from Communication Specialists Co., Inc., Assignor, to Mobile Communications Service, Inc., Assignee. Station: KFL919 Longview, Wash.
- 1995-C2-P-(4)-72—Pacific Northwest Bell Telephone Co. (KON911), Reduce transmitter power operating on 152.840 and 158.100 MHz at location No. 6: Northeast 91st Street and Roosevelt Way NE., Seattle, WA, and location No. 9: 3520 Southwest Othello Street, Seattle, WA.
- 1996-C2-P-72—Northern Mobile Telephone Co. (New), New one-way station to be located at 648 North Main Street, Akron, OH, to operate on 35.22 MHz.
- 1997-C2-P-72—Northern Mobile Telephone Co. (New), New one-way station to be located at 5595 Goodell Road, Freedom, OH, to operate on 35.22 MHz.
- 2029-C2-(2)-72—General Telephone Co. (KON912), For additional facilities to operate on 454.475 and 454.600 MHz located at 426 Casino Road, Everett, WA.
- 2030-C2-P/ML-72—Ira Magod (KEC928), Replace transmitter operating on 152.09 MHz located at 143 East State Street, Trenton, NJ.
- 2031-C2-P-(6)-72—Empire Communications Co. (KOP306), Replace transmitter operating on 152.21 MHz base, relocate facilities operating on 152.03 MHz base at location No. 1 to: 8.7 miles southeast Coos Bay, Blue Ridge Lookout, Oreg., also at location No. 1 add 459.20 MHz repeater and relocate repeater facilities operating on 459.05 MHz, at location No. 2 change control frequency to 454.20 MHz, replace transmitter for same and relocate facilities operating on 454.05 MHz control to a new location No. 2: 501 North 10th Street, Coos Bay, OR.

Major Amendment

- 7222-C2-P/ML-71—Newark Radiotelephone Co. (New), Amended to change base frequency to 454.325 MHz. See PN dated June 28, 1971, Report No. 550.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reason of potential electrical interference:

Massachusetts

- 6738-C2-P-71—Sherman M. Wolf, doing business as Zipcall (New).
- 614-C2-P-72—North Shore Communications, Inc. (KCC483).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

- 1968-C1-MP-72—Florida Telephone Corp. (KIO44), To replace transmitter with General Electric UT-10-B. Station location: 33 North Main Street, Winter Garden, FL. Frequencies: 5974.8 MHz and 6093.5 MHz toward Orlando, Fla.
- 2028-C1-P/L-72—Cascade Utilities, Inc. (KGG59), To reinstate expired station. Frequencies: 10,795 MHz and 11,035 MHz. Location: 2,500 feet east of end of Oregon Highway No. 224 by Alder Flat Forest Camp, Oreg.

LOCAL TELEVISION TRANSMISSION SERVICE

- 2000-C1-P/L-72—Video Microwave, Inc. (New), C.P. and license for a new mobile television station operating in the frequency bands 6425 to 6525 MHz and 11,700 to 12,200 MHz. Area of operation is the State of Florida.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTTELEPHONE)

The following applicants propose to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programed" television service:

- 1977-C1-P-72—Microband Corp. of America (New), New station at 11th and J Streets, Elks Tower Building, Sacramento, CA; latitude 38°34'48" N., longitude 121°29'27" W. Frequencies: 2152.325 MHz (visual) and 2150.20 MHz (aural) toward various receiving points of system and 2158.50 MHz (visual) and 2154.00 MHz (aural) toward various receiving points of system.
- 1978-C1-P-72—Microband Corp. of America (New), New station at Marino Midland Center, Main Street and Seneca, Buffalo, NY; latitude 42°52'51" N., longitude 78°52'30" W. Frequencies: 2152.325 MHz (visual) and 2150.20 MHz (aural) toward various receiving points of system and 2158.50 MHz (visual) and 2154.00 MHz (aural) toward various receiving points of system.

* Concurring and dissenting statement of Members Minetti and Murphy filed as part of the original document.

¹ All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

² The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

1979-01-P-72—Microband Corp. of America (New), New station at 1001 Howard Avenue, Plaza Tower Building, New Orleans, LA; latitude 29°56'48" N., longitude 90°04'35" W. Frequencies: 2152.325 MHz (visual) and 2150.20 MHz (aural) toward various receiving points of system and 2154.00 MHz (aural) toward various receiving points of system.

1985-01-P-72—Tekom, Inc. (New), New station at temporary fixed locations in San Diego County, Calif. Frequencies 2154.775 MHz (visual) and 2150.275 MHz toward various receiving points of system.

1986-01-P-72—Tekom, Inc. (New), New station at temporary fixed locations in Denver, Colo. Frequencies: 2154.775 MHz (visual) and 2150.275 MHz (aural) toward various receiving points of system.

(INFORMATIVE: Applicant proposes a microwave network for the purpose of providing two-way switched terminal-to-terminal common carrier video transmission service for television broadcast stations in the State of Florida.)

2001-01-P-72—Video Microwave, Inc. (New), C.P. for new station 3.3 miles north-northeast of Bithlo, Fla., at latitude 28°36'08", longitude 81°05'38". Frequencies 5974.8H, 6093.5H, 6004.5V, 6123.1V, 6034.2H, 6152.8H on azimuth 173°56' toward Holopaw; frequencies 6069.8V, 6004.5V, 5945.2V on azimuth 1°12' toward Alamaana; 5974.8V, 6034.2V, 6093.5V, 6004.5H, 6123.1H on azimuth 225°04' toward Kissimmee; 11,265V on azimuth 268°43' toward WESH Studio at 1601 Minnesota Avenue (Winter Park), Orlando, FL, 11,425V on azimuth 260°19' toward WDBO Studio at 30 South Ivanhoe Boulevard, Orlando, FL; 11,345V on azimuth 257°02' toward WFTV Studio at 639 West Central Street, Orlando, FL.

2002-01-P-72—Video Microwave, Inc. (New), C.P. for a new station 2.4 miles north-northeast of Alamaana, Fla., at latitude 28°58'23", longitude 81°05'09". Frequencies 6226.9V, 6286.2V, 6345.5V, 6404.8V, 6286.5H, 6375.2H on azimuth 181°13' toward Bithlo, Fla.; 6226.9H, 6286.2H, 6345.5H on azimuth 329°11' toward Pierson, Fla.

2003-01-P-72—Video Microwave, Inc. (New), C.P. for new station 8 miles east of Pierson, Fla., at latitude 29°13'48", longitude 81°19'49". Frequencies 5974.8V, 6034.2V, 6093.5H, 6152.8H, 5945.2V, 6063.8V on azimuth 140°04' toward Alamaana, Fla.; 5974.8V, 6034.2V, 6152.8V on azimuth 349°55' toward Gopher Ridge, Fla.

2004-01-P-72—Video Microwave, Inc. (New), C.P. for new station 0.53 mile south of Gopher Ridge, Fla., at latitude 29°39'30", longitude 81°25'00". Frequencies 6286.2V, 6404.8V, 6107.2H, 6256.5H, 6315.9H, 6375.2H on azimuth 159°52' toward Pierson, Fla. Frequencies 6197.2H, 6315.9H, 6375.2H on azimuth 3°43' toward St. Augustine, Fla.

2005-01-P-72—Video Microwave, Inc. (New), C.P. for new station 7.5 miles north-northeast of St. Augustine, Fla., at latitude 30°00'40", longitude 81°23'25". Frequencies 5945.2H, 6004.5H, 6093.8H, 6123.1H, 6034.2V, 6152.8V on azimuth 183°44' toward Gopher Ridge, Fla.; 5945.2V, 6004.5V, 6093.8V on azimuth 330°33' toward Jacksonville, Fla.

2006-01-P-72—Video Microwave, Inc. (New), C.P. for new station 9.117 Hogan Road, Jacksonville, FL, at latitude 30°16'36", longitude 81°33'47". Frequencies 6226.9H, 6286.2H, 6345.5H, 6404.8H, 6107.2V, 6315.9V on azimuth 150°28' toward St. Augustine, Fla.; 11,425V on azimuth 303°42' toward WFGA Studio, Television Park, 1070 East Adams Street, Jacksonville, FL, 11,345V on azimuth 205°30' toward WJXT Studio, 1851 Southampton Road, Jacksonville, FL.

2007-01-P-72—Video Microwave, Inc. (New), C.P. for new station at WJXT Studio, 1851 Southampton Road, Jacksonville, FL, at latitude 30°18'49", longitude 81°30'00". Frequency at 10,935V on azimuth 115°33' toward Jacksonville, Fla.

2008-01-P-72—Video Microwave, Inc. (New), C.P. for new station at WFGA Studio, Television Park, 1070 East Adams Street, Jacksonville, FL, at latitude 30°10'22", longitude 81°38'34". Frequency 11,015V on azimuth 123°40' toward Jacksonville, Fla.

2009-01-P-72—Video Microwave, Inc. (New), C.P. for new station 4.3 miles north-northeast of Holopaw, Fla., at latitude 28°11'34", longitude 81°02'41". Frequencies 6107.2H, 6315.9H, 6226.9V, 6286.2V, 6345.5V, 6404.8V on azimuth 103°17' toward Lokosee; 6107.2H, 6315.9H, 6375.2H on azimuth 353°57' toward Bithlo, Fla.

2010-01-P-72—Video Microwave, Inc. (New), C.P. for new station 5.7 miles northwest of Lokosee at latitude 27°49'34", longitude 80°57'33". Frequencies 5974.8H, 6034.2H, 6093.5H, 6152.8H, 6004.5V, 6123.1V on azimuth 154°37' toward Hilo, 5974.8H, 6034.2H, 6152.8H on azimuth 348°10' toward Holopaw, Fla.

2011-01-P-72—Video Microwave, Inc. (New), C.P. for new station 1.4 miles northeast of Hilo, at latitude 27°28'13", longitude 80°48'12". Frequencies 6226.9V, 6286.2V, 6345.5V, 6404.8V, 6107.2H, 6286.5H on azimuth 136°42' toward Alapattah; 6226.9V, 6286.2V, 6404.8V on azimuth 334°43' toward Lokosee, Fla.

2012-01-P-72—Video Microwave, Inc. (New), C.P. for new station 12.6 miles north of Indian Town at latitude 27°12'18", longitude 80°38'49". Frequencies 5974.8H, 6034.2H, 6093.5H, 6152.8H, 6004.5V, 6063.8V on azimuth 202°06' toward Canal Point; 5974.8H, 6034.2H, 6093.5H on azimuth 315°50' toward Hilo, Fla.

2013-01-P-72—Video Microwave, Inc. (New), C.P. for a new station 0.4 mile southwest of Canal Point at latitude 26°51'25", longitude 80°38'15". Frequencies 6226.9V, 6286.2V, 6345.5V, 6404.8V, 6315.9H, 6375.2H on azimuth 159°03' toward Shawano Fields; 6197.2H, 6256.5H, 6375.2H on azimuth 22°01' toward Alapattah, Fla.

2014-01-P-72—Video Microwave, Inc. (New), C.P. for new station 0.08 mile south-southeast of Shawano Fields at latitude 26°32'35", longitude 80°30'14". Frequencies 5945.2H, 6004.5H, 6063.8H, 6123.1H, 5974.8V, 6034.2V on azimuth 131°41' toward West Dixie Bend; 5945.2V, 6034.2H, 6152.8H, on azimuth 339°08' toward Canal Point; 11,015V, 10,935V on azimuth 80°13' toward Greenacres City, Fla.

2015-01-P-72—Video Microwave, Inc. (New), C.P. for new station near Greenacres City and Lantana Road at latitude 26°35'17", longitude 80°12'42". Frequency 11,345V on azimuth 64°53' toward WEAT Studio, Congress Avenue and Lark Road, West Palm Beach, FL. Frequency 11,265V on azimuth 43°05' toward WFTV Studio, Post Office Box 510, Palm Beach, FL.

2016-01-P-72—Video Microwave, Inc. (New), C.P. for new station 3.5 miles northwest of West Dixie Bend at latitude 26°20'25", longitude 80°15'05". Frequencies 6226.9H, 6286.2H, 6345.5H, 6404.8H, 6256.5V, 6375.2V on azimuth 168°42' toward Hallandale; 6197.2H, 6286.2V, 6404.8V on azimuth 311°47' toward Shawano Fields, Fla.

2017-01-P-72—Video Microwave, Inc. (New), C.P. for new station 1.8 miles northwest of Hallandale Post Office at latitude 25°59'37", longitude 80°10'29". Frequencies 5974.8H, 6093.5H, 6152.8H on azimuth 348°44' toward West Dixie Bend; 11,425V on azimuth 172°57' toward WOKT Studio, 1401 70th Street Causeway, Miami; 11,345V on azimuth 185°10' toward WFLG Studio, 3900 Biscayne Boulevard, Miami; 11,265V on azimuth 184°31' toward WTVJ Studio, 316 North Miami Avenue, Miami; 11,385H on azimuth 222°50' toward WFTV Studio, 695 Northwest 100th Street, Miami; 11,305H on azimuth 183°44' toward WODX Studio, 1111 Brickell Avenue, Miami; 11,545H on azimuth 41°12' toward WKID Studio, 605 East Sheridan Street, Miami, FL.

2018-01-P-72—Video Microwave, Inc. (New), C.P. for new station at WPLG Studio, 3900 Biscayne Boulevard, Miami at latitude 25°48'48", longitude 80°11'35". Frequency 10,935V on azimuth 5°15' toward Hallandale, Fla.

2019-01-P-72—Video Microwave, Inc. (New), C.P. for new station at WTVJ Studio, 316 North Miami Avenue, Miami at latitude 25°46'37", longitude 80°11'37". Frequency 10,865V on azimuth 4°30' toward Hallandale, Fla.

2020-01-P-72—Video Microwave, Inc. (New), C.P. for new station at WOKT Studio, 1401 70th Street Causeway, Miami, at latitude 25°50'58", longitude 80°09'18". Frequency 11,015V on azimuth 362°57' toward Hallandale, Fla.

2021-01-P-72—Video Microwave, Inc. (New), C.P. for new station 1.5 miles north of Kissimmee at latitude 28°19'49.7", longitude 81°24'09.3". Frequencies 6226.9V, 6286.2V, 6404.8V, 6107.2H, 6286.2H on azimuth 261°20' toward Polk City; 6226.9H, 6286.2H on azimuth 44°55' toward Bithlo, Fla.

2022-01-P-72—Video Microwave, Inc. (New), C.P. for new station 2.7 miles northeast of Polk City at latitude 28°13'49.8", longitude 81°47'19". Frequencies 5945.2V, 6063.8H, 6152.8H, 6034.2V, 6093.5V on azimuth 250°10' toward Moricetown; 5945.2V, 6063.8V on azimuth 71°09' toward Kissimmee, Fla.

2023-01-P-72—Video Microwave, Inc. (New), C.P. for new station 1.1 miles north-northeast of Moricetown at latitude 28°07'58", longitude 82°00'20". Frequencies 6197.2V, 6315.9V, 6226.9H, 6345.5H, 6404.8H on azimuth 210°40' toward Adamsville; 6286.2V, 6404.8V on azimuth 70°00' toward Polk City, Fla.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTTELEPHONE)—Continued

- 2024-C1-P-72—Video Microwave, Inc. (New), C.P. for new station 0.7 mile south-southeast of Adamsville at latitude 27°48'02", longitude 82°22'37". Frequencies 5945.2V, 6063.8V on azimuth 30°34' toward Moricville; 5974.8H on azimuth 138°56' toward Myakka Head; 11,265V on azimuth 335°54' toward WFLA Studio, 905 Jackson Street, Tampa; 11,585V on azimuth 288°15' toward WLCY Studio, 11450 Gandy Boulevard, St. Petersburg; 11,345V on azimuth 323°33' toward WTVT Studio, 3213 John F. Kennedy Boulevard, Tampa; 11,425V on azimuth 286°39' toward WTOG Studio, 365 105th Terrace NE., St. Petersburg, FL.
- 2025-C1-P-72—Video Microwave, Inc. (New), C.P. for new station 1.4 miles east of Myakka Head at latitude 27°28'09", longitude 82°03'13". Frequencies 6226.9V on azimuth 153°50' toward Nocatee, Fla.
- 2026-C1-P-72—Video Microwave, Inc. (New), C.P. for new station 4 miles south-southeast of Nocatee at latitude 27°06'20", longitude 81°51'15". Frequency 6123.1H on azimuth 165°11' toward Tucker's Corner, Fla.
- 2027-C1-P-72—Video Microwave, Inc. (New), C.P. for new station Route 31, 3.8 miles south of Tucker's Corner at latitude 26°48'08", longitude 81°45'53". Frequency 11,425V on azimuth 209°07' toward WINK Studio, 2824 Palm Beach Boulevard, Fort Myers, FL.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

California

Tekkom, Inc. (New), File No. 1985-C1-P-72.

COMMUNICATIONS SATELLITE SERVICE

- 97-CSG-P-72—Communications Satellite Corp. (New), C.P. for a new developmental earth station at Clarksburg, Md., at latitude 39°13'16" N., longitude 77°16'33" W. Proposed station will use a 300-watt transmitter and a 15-foot diameter antenna (43.85 db gain) to communicate with Intelsat IV satellites over the Atlantic. Transmissions will be made at any of a number of discrete frequencies in the band 5925-6425 MHz with emissions 38F9, 1770F9, or 7050F9 with a maximum e.i.r.p. of 65.9 dbW/4 kHz. Minimum antenna elevation angle will be 16.6°.
- 12-CSS-P-72—Lockheed Aircraft Co. (New), C.P. for a developmental space station to be located in Sunnyvale, Calif., at latitude 37°24'57" N., longitude 122°01'38" W. Transmissions will be at 3948 MHz (153F9), 6175 MHz (975F9), and 11,725, 11,885, 12,775, 12,935, 14,025, 14,185 MHz (all 36000F9) with maximum e.i.r.p. of 56 watts. Operations of this space station will be for developmental and demonstrational purposes and will be confined within a steel reinforced concrete building to minimize possibilities of interference.

(INFORMATIVE: This application was originally filed on July 13, 1971, with the experimental branch where it was assigned the File No. 5663-ED-PL-71. This public notice is made for informative purposes only and the 30-day waiting period for this application is waived.)

Applications filed pursuant to section 214 of the Communications Act of 1934, as amended:

TELEPHONE WIRE FACILITIES

- P-C-8242—Northwestern Bell Telephone Co., Informal (section 63.03), To supplement facilities between Hudson, Wis. and Stillwater, Minn.; and Hudson, Wis., and Minneapolis, Minn.; Hudson, Wis. and St. Paul, Minn.; New Richmond, Wis., and St. Paul, Minn.

[FR Doc.71-16157 Filed 11-5-71; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP71-131]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Filing of Proposed Tariff Provision Relating to Demand Charge Adjustment

NOVEMBER 3, 1971.

Take notice that on October 29, 1971, Algonquin Gas Transmission Co. (Algonquin) filed as part of its FPC Gas Tariff, Original Volume No. 1, Original Sheet Nos. 27-A and 27-B, Fourth Revised Sheet No. 8, Ninth Revised Sheet No. 15-K, and Fourth Revised Sheet No. 15-P.

Algonquin states that it "has been advised by its sole natural gas supplier, Texas Eastern Transmission Corp., that curtailments due to supply shortages may be required. In further consideration of the matter Algonquin has reached the conclusion that it is desirable to set forth as part of its tariff, in specific detail, the precise procedures it will employ to implement the prorationing provision contained in its presently effective tariff."

Algonquin further states that the subject filing is to accomplish said purpose.

Algonquin proposes that the tariff sheets become effective November 1, 1971, and accordingly requests waiver of compliance with the applicable Commission rules and regulations.

Any order issued in this proceeding is subject to our Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order No. 11615, including such amendments as the Commission may require.

Any person desiring to be heard or make any protest with reference to said filing should on or before November 12, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.18 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become par-

ties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16307 Filed 11-5-71; 8:51 am]

[Dockets Nos. RP71-106, RP71-129]

CITIES SERVICE GAS CO.

Supplemental Notice of Proposed Changes in Rates and Charges

NOVEMBER 3, 1971.

On April 22, 1971, Cities Service Gas Co. (Cities Service) tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, including inter alia a change in the applicability and character of service provisions related to Rate Schedule LVS-2. Notice of these changes for which an effective date of May 23, 1971, was requested was issued by the Commission on April 28, 1971. By order issued May 21, 1971, the Commission suspended the proposed tariff changes and deferred their use until October 23, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

Take further notice that on October 22, 1971, Cities Service filed certain modified tariff sheets and a motion requesting that the aforesaid tariff changes as thus modified be made effective as of October 23, 1971. The tariff changes proposed to be made effective are modified to include certain substitute tariff sheets (replacing corresponding ones in the April 22, 1971 filing) purporting to reflect an agreement reached at conferences among Cities Service and other parties on revised provisions of Rate Schedule LVS-2 and Article 13 of the general terms and conditions relating to priority of service under that rate schedule.

Pursuant to the provisions of the aforementioned substitute tariff sheets, the following order of service priority would be observed:

(1) Interruptible deliveries under Rate Schedule LVS-2 would first be limited to the aggregate daily demand specified in Paragraph 4 of Rate Schedule LVS-2 or be completely curtailed if the monthly availability limits there specified have been exceeded. Paragraph 4 of Rate Schedule LVS-2 in the October 22, 1971, filing provides that if curtailment is required under that rate schedule, computation of the required system curtailment shall reflect: (a) for the billing months June, July, August, and September of each year, the aggregate daily demand shall be 120,000 Mcf per day and the monthly availability shall not exceed 2 million Mcf in any of such months; and (b) for the billing months October through the following May, the aggregate daily demand shall be 50,000 Mcf per day and the monthly availability shall not exceed 750,000 Mcf in any of such months.

(2) Interruptible deliveries for industrial consumers and remaining deliveries under Rate Schedule LVS-2 would first be curtailed to the maximum extent practicable; and then interruptible deliveries for commercial consumers would be curtailed to the maximum extent practicable.

(3) Simultaneous and equitable curtailment of deliveries for firm consumers.

Cities Service requests that the Commission grant such waivers of its rules and regulations as may be required to make the aforementioned substitute tariff sheets effective as of October 23, 1971. In the event that the settlement of this proceeding, which is the basis for the substitute tariff sheets, is not made fully effective, Cities Service reserves the right to refile the tariff sheets originally filed and to support the provisions of Rate Schedule LVS-2 and Article 13 as originally filed in any hearing in this proceeding.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make protest with reference to the above-described filing should on or before November 12, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. Cities Service's motion to make effective suspended tariff sheets modified as set forth above is on file with the Commission and available for public inspection.

Any order issued in this proceeding is subject to our Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Order No. 11615, including such amendments as the Commission may require.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16305 Filed 11-5-71;8:51 am]

[Docket No. RP64-9, etc. (1971 Phase)]

CITIES SERVICE GAS CO., ET AL

Proposed Settlement of Refund Issues

NOVEMBER 3, 1971.

Cities Service Gas Co., Amoco Production Co., Atlantic Richfield Co., Cities Service Oil Co., Cities Service Oil Co., Graham-Michaels Drilling Co. (Operator) et al., W. L. Hartman,

Humble Oil & Refining Co., Kansas Natural Gas, Inc., Kerr-McGee Industries, Inc., Northern Pump Co. (Operator) et al., Petroleum, Inc. (Operator) et al., Sun Oil Co., Sun Oil Co., Warren Petroleum Corp. (Operator), Cities Service Oil Co., Gulf Oil Corp., W.O. McBride, Inc., et al., RP65-21, G9279, etc., G9283, etc., RI63-485, etc., G-14101, etc., RI65-427, RI65-428, RI63-16, G-9287, etc., RI63-71, G-20479, etc., RI63-9, etc., RI63-391, etc., G-8288, etc., G-6822, etc., G-20478, etc., G-20302, etc., G-10616, etc., G-16890, etc.

Take notice that on October 28, 1971, Cities Service Gas Co. (Cities Service) filed a stipulation and agreement proposing a settlement of the issue of equitable entitlement of certain refundable amounts currently being retained by suppliers of Cities Service pending further order of the Commission in the captioned proceedings.

The settlement proposal is an outgrowth of the hearing and conferences held on October 6 and 7, 1971, in Docket No. RP64-9. The same issues of fact and law which were the subject of the aforementioned hearings and conferences being present in all the subject proceedings, it appeared appropriate to discuss and resolve the matter of equitable entitlement of Cities Service and its customers to the refundable amounts being retained by the subject companies pursuant to orders of the Commission in such proceedings.

The tender provides that, subject to the terms and conditions therein set forth, Cities Service shall refund \$334,000 to its jurisdictional customers and the distribution thereof shall be in proportion to the volumes of gas purchased from Cities Service during the period beginning December 23, 1962, and ending December 22, 1965.

Any person desiring to be heard or to make protest with respect to said filing should on or before November 12, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties therein must file petitions to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16306 Filed 11-5-71;8:51 am]

[Docket No. CP72-104]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

OCTOBER 29, 1971.

Take notice that on October 13, 1971, Columbia Gulf Transmission Co. (ap-

plicant), Post Office Box 683, Houston, TX 77001, filed in Docket No. CP72-104 an application pursuant to section 7(b) of the Natural Gas Act for permission for and approval of the abandonment of certain natural gas purchase facilities located in Louisiana which were heretofore employed for the receipt of natural gas for the account of United Fuel Gas Co. (United Fuel), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization for the abandonment of certain of its field lines and appurtenances constructed to take natural gas for the account of United Fuel from properties in Louisiana as set forth below.

Applicant states that the wells to which these facilities have been connected are depleted and that production therefrom has ceased.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Field	Parish	Producer	Facilities to be abandoned	Facility authorization docket No.
North Bourg.....	Lafourche...	Forest Oil Co. et al.	1,180 feet of 6-inch supply line and measuring station.	G-2033.
Branch.....	Acadia.....	Continental Oil Co., Sun Oil Co.	2,639 feet of 4-inch supply line and measuring station.	G-9900
Longview.....	Franklin.....	Phillips Petroleum Co.	Measuring station.....	CP66-184.
Southwest Mermentau.	Acadia.....	American Natural Gas Production Co.do.....	G-20422.
Thornwell (West delivery point).	Jefferson Davis.	Amoco Production Co.do.....	G-9900.
Valentine (Delivery point No. 3).	Lafourche.....	Texaco, Inc.do.....	CP63-139.
North Crowley.....	Acadia.....	Columbia Gas Development Corp.	0.7 mile of 6-inch supply line and measuring station; 0.2 mile of 4-inch supply line.	CP62-109.

[FR Doc.71-16255 Filed 11-5-71;8:47 am]

[Docket No. CI71-219]

HUMBLE OIL & REFINING CO.**Order Granting Intervention, Setting Hearing Date and Prescribing Procedures**

NOVEMBER 1, 1971.

On April 16, 1971, Humble Oil & Refining Co. (Humble) filed an application to amend its permanent certificate issued in the above docket to authorize the sale of natural gas to Florida Gas Transmission Co. (Florida Gas) from additional acreage in the Jay Field, Santa Rosa and Escambia Counties, Fla., and Escambia County, Ala. The application also sought approval of a contract amendment that would enable Humble to exchange gas with Florida Gas by receiving volumes from the latter's pipeline facilities in Texas and/or Louisiana and delivering an equivalent quantity to Florida Gas at the Jay Field delivery point. Humble can exercise its right to exchange any time during the 5-year period following the date of initial delivery to Florida Gas: *Provided*, That total deliveries exceed 7,500 Mcf per day from acreage under the contract. Citing excessive hardship, Humble also requested temporary authorization to sell the gas produced from the added acreage at the contract rate of 30 cents per Mcf. By letter-order dated May 18, 1971, the Commission issued a conditioned temporary certificate.

Notice of the application was issued April 29, 1971 (published on May 11, 1971, 36 F.R. 8708), providing that May 26, 1971 would be the final date for the filing of protests or petitions to intervene. On that date a petition to intervene was timely filed by the Fuels Committee of the Florida Municipal Utilities Association on its own behalf and on behalf of the utilities departments of eight Florida cities (Cities) that purchase gas from Florida Gas for generation of electricity. The petition asserted that dedication of the additional acreage to Florida Gas would not serve the public convenience and necessity and that Florida Gas' pricing policies had an unfair, discriminatory, and anticompetitive impact on the Cities. The petition was later supplemented by an amendment thereto filed June 2, 1971, which raised no additional issues. On June 7, 1971, Humble filed an

answer in opposition to Cities' petition to intervene.

The Commission finds: (1) It is desirable and in the public interest to allow the Fuels Committee of the Florida Municipal Utilities Association to intervene in this proceeding in order that it may establish the facts and law from which the nature and validity of its alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) The arguments advanced with respect to the gas pricing policies of Florida Gas Transmission Co. are in the nature of a rate complaint and, consequently, this certificate proceeding is an inappropriate forum for their disposition.

(3) The expeditious disposition of this proceeding will be effectuated by the submission of the prepared testimony and exhibits of Humble Oil & Refining Co., and the Fuels Committee of the Florida Municipal Utilities Association on or before November 18, 1971.

(4) The expeditious disposition of this proceeding will be further effectuated by holding a hearing on December 14, 1971.

The Commission orders: (A) The Fuels Committee of the Florida Municipal Utilities Association is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, That its participation shall be limited to matters affecting those asserted rights and interests set forth in its petition to intervene concerned with whether dedication of the additional acreage to Florida Gas Transmission Co. would serve the public convenience and necessity: *And provided, further*, That the admission of such intervenor shall not be construed as recognition by the Commission that said intervenor might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(B) Humble Oil & Refining Co. and the Fuels Committee of the Florida Municipal Utilities Association shall file with the Commission and serve on all parties to the proceeding, including the Staff of the Commission, all direct testimony and exhibits in support of their respective positions on or before November 18, 1971.

(C) A public hearing will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, commencing at 10 a.m., e.s.t., on December 14, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16233 Filed 11-5-71;8:46 am]

[Docket No. E-7672]

IOWA POWER AND LIGHT CO.**Notice of Application**

NOVEMBER 1, 1971.

Take notice that on October 26, 1971, Iowa Power and Light Co. (applicant) of Des Moines, Iowa, filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of \$15 million principal amount of first mortgage bonds due 2001, and 450,000 shares of additional common stock, par value \$10 per share.

Applicant proposes to issue the aforesaid first mortgage bonds under the indenture of mortgage and deed of trust dated August 1, 1943, to Harris Trust and Savings Bank and R. H. Long, Trustees, such indenture to be supplemented by an 11th supplemental indenture to be dated as of December 1, 1971. The interest rate of the bonds will be determined by competitive bidding pursuant to the Commission's regulations under the Federal Power Act. The bonds will not be redeemable prior to December 1, 1976, at the option of the company through a refunding which has an interest cost to the company less than the interest cost of the bonds.

Applicant proposes to issue the aforesaid 450,000 shares of common stock, par value \$10 per share, under competitive bidding pursuant to the Commission's regulations under the Federal Power Act.

The purpose for which the bonds and common stock are to be issued is the refunding of certain obligations consisting of a portion of short-term borrowings from commercial banking institutions and from the sale of commercial paper aggregating \$28,500,000 at September 30, 1971, and expected to aggregate approximately the same amount at the time of the sale of the bonds and the common stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The

application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16234 Filed 11-5-71;8:46 am]

[Docket No. CP72-97]

MISSISSIPPI RIVER TRANSMISSION CORP. AND TEXAS GAS TRANSMISSION CORP.

Notice of Application

OCTOBER 29, 1971.

Take notice that on October 7, 1971, Mississippi River Transmission Corp. (Mississippi), 9900 Clayton Road, St. Louis, MO 63124, and Texas Gas Transmission Corp. (Texas Gas), 3800 Fred-erica Street, Owensboro, KY 42301, filed in Docket No. CP72-97 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between applicants, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose to exchange natural gas at the outlets of gasoline plants of Union Texas Petroleum in Bossier Parish, La., and of Southwest Gas Producing Co. in Lincoln Parish, La., where both applicants receive gas produced in fields in northern Louisiana. In addition, applicants state that they receive substantial quantities of gas from United Gas Pipe Line Co. (United) at delivery points in the vicinity of Monroe Ouachita Parish, La. Applicants state that the proposed exchange of gas can be effected at the gasoline plant outlets and by dispatching arrangements with United without the construction of additional facilities.

Applicants state that circumstances may occur on the systems of one or both parties which make exchanges of gas highly desirable to assist in system operations and the maintenance of service to customers. Applicants contemplate that deliveries of gas from one party to the other at an exchange point would ordinarily be offset by the simultaneous return of a like quantity of gas at another exchange point. However, provision is made for later return of the gas if simultaneous return is not practicable because of an emergency or for other reasons.

Applicants state that the primary purpose of the proposed exchange of gas is to enable Mississippi to effect a limited reduction in the adverse impact of severe supplier curtailment during the winter season through increased withdrawals from its West Unionville Storage Field. Texas Gas has agreed to the exchange primarily as an accommodation to Mississippi, although certain benefits will also be available to the former as a result of the arrangement. For example, during hydrostatic testing of certain of its facilities scheduled for next summer, Texas Gas will be able to continue receiving quantities of gas available to it at the

aforesaid plant outlets by means of the proposed exchanges with Mississippi.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 16, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16256 Filed 11-5-71;8:48 am]

[Docket No. CP72-98]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

OCTOBER 28, 1971.

Take notice that on October 6, 1971, Montana-Dakota Utilities Co. (applicant), filed in Docket No. CP72-96 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon natural gas pipeline facilities and pursuant to section 7(c) of said Act for a certificate of public convenience and necessity authorizing construction and operation of natural gas pipeline and metering and regulating facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities for the purposes indicated:

(1) Approximately 141.7 miles of 3½-inch to 8½-inch pipeline to provide natural gas service to the Department of

the Army's Perimeter Acquisition Radar Site (PAR) and the Missile Site Radar (MSR), and to the communities of Cavalier, Grafton, Langdon, Park River, and Walhalla, all in North Dakota;

(2) Metering and regulating facilities to serve the above PAR and MSR sites;

(3) City gate stations to serve the above five communities; and

(4) An additional automated Solar 1,100 hp. centrifugal compressor unit in 1973 at its existing Bismarck Compressor Plant, North Dakota.

Applicant proposes to abandon 31 miles of 12¾-inch pipeline on its Cabin Creek to Bismarck line, located in North Dakota, and to replace it in 1973 with an equal length of 16-inch pipeline.

Applicant states that the proposed new facilities will be used to provide natural gas service to areas presently not provided with such service and that the proposed abandonment and replacement of facilities will increase the gas flow capacity on its existing system to meet the requirements of the proposed new markets.

Applicant states that the estimated cost of the proposed facilities is \$5,971,600, which it will finance by internally generated funds and/or short-term bank loans. Total cost of removal of the facilities proposed to be abandoned is estimated by applicant to be \$155,496, with an estimated salvage value of \$215,753.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16257 Filed 11-5-71;8:48 am]

[Docket No. CP71-235]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Setting Date for Formal Hearing and Prescribing Procedures

NOVEMBER 1, 1971.

On March 31, 1971, Natural Gas Pipeline Company of America (Natural) filed an application pursuant to section 7(c) of the Natural Gas Act for the issuance of a certificate of public convenience and necessity authorizing the sale and delivery of an additional 6,500 Mcf/d of natural gas to Interstate Power Co. (Interstate), and to operate the facilities necessary therefor.¹

Within the past year Natural reported a severe shortage of natural gas on its system and as a consequence purchased emergency volumes of gas above area ceilings as permitted by the Commission's Order No. 431. Additionally, for 1971 curtailments have been effected pursuant to a settlement agreed to by Natural's customers and other interested parties and approved by Commission order issued April 7, 1971, in Docket No. RP70-42. Curtailment procedures for 1972 and subsequent years are the subject of further proceedings in that docket. Consequently, an increase in sales in the face of curtailments on Natural's system may not be in the public interest.²

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the issues presented by Natural Gas Pipeline Company of America's application in Docket No. CP71-235 ordered hereinafter.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing on the issues presented by Natural Gas Pipeline Company

¹ Interstate's existing contract demand under Natural's Rate Schedule CD-1 is 44,272 Mcf/d.

² Natural relies on the gas reserves attached in Dockets Nos. CP71-231 and CP71-255 to provide the necessary gas supply. At those dockets, Natural received authorization by Commission order issued July 26, 1971, to construct pipeline facilities located offshore Louisiana to attach newly acquired gas reserves and to install additional compression on its Louisiana 30-inch extension to move the additional gas into its transmission system. In the applications filed in those dockets, Natural stated that it did not propose any change in sales and service then rendered.

of America's application in Docket No. CP71-235 will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, commencing at 10 a.m., e.s.t., on December 7, 1971. The applicant shall file with the Commission and serve on the Commission staff and the Presiding Examiner its proposed direct presentation in support of its application, including the prepared testimony of witnesses and exhibits, on or before November 17, 1971.

(B) A Presiding Examiner to be designated by the Chief Examiner for the purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16235 Filed 11-5-71;8:46 am]

[Project 108]

NORTHERN STATES POWER CO.

Notice of Extension of Time

NOVEMBER 1, 1971.

On October 12, 1971, counsel for Northern States Power Co. filed a request for an extension of time to and including November 15, 1971, within which to answer the petitions to intervene in the above-designated proceedings. By notice issued October 5, 1971, the time for filing protests and petitions to intervene was extended to and including November 4, 1971.

Upon consideration, notice is hereby given that the time is extended to and including November 15, 1971, within which answers may be filed to the petitions to intervene which have been filed or which may be filed in the above-designated proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16236 Filed 11-5-71;8:46 am]

[Docket No. RP72-59]

TENNESSEE NATURAL GAS LINES, INC.

Notice of Proposed Increase in Rates and Charges

NOVEMBER 3, 1971.

Take notice that on October 20, 1971, Tennessee Natural Gas Lines, Inc. (Tennessee Natural) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, to track the rate increase filed by Tennessee Gas Pipeline Co. (Tennessee Gas) which is subject to further order of the Commission in Docket No. RP72-51. Tennessee Natural requests an effective date of November 13, 1971, concurrently with that requested by its supplier, Tennessee Gas. The increased rates reflected in the filing are stated to increase Tennessee Natural's revenues from jurisdictional customers by approximately \$84,000 per year based on sales volumes experienced during the year 1970.

Any person desiring to be heard or to make protest with respect to said filing should on or before November 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

Any order or orders issued in this proceeding shall be subject to the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), and Executive Order No. 11615, including such amendments as the Commission may require.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16304 Filed 11-5-71;8:51 am]

[Docket No. RP72-45]

TEXAS GAS TRANSMISSION CORP.

Order Rejecting Revised Tariff Sheets, Providing for Hearing, Suspending Proposed Alternate Revised Tariff Sheets and Providing Hearing Procedures

OCTOBER 20, 1971.

Texas Gas Transmission Corp. (Texas Gas), on October 1, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2¹, to become effective on November 1, 1971.² The proposed rate changes would increase charges for jurisdictional sales and transportation services by \$36,095,217 annually, based on volumes for the 12 months ended June 30, 1971, as adjusted. The proposed increase would be applicable to all of the rate schedules in Third Revised Volume No. 1 of Texas Gas' tariff and to rate schedules X-29 and X-32 of Original Volume No. 2 of the tariff.

¹ The proposed tariff sheets are Second Revised Sheet No. 7 and Original Sheets Nos. 101-107 of Third Revised Volume No. 1 and Third Revised Sheets Nos. 333 and 363 of Original Volume No. 2. Texas Gas' Alternate Second Revised Sheet No. 7 excludes any reference to the purchased gas adjustment clause contained in Original Sheets Nos. 101-107.

² Texas Gas states that pursuant to Article VIII of its Stipulation and Agreement in Docket No. RP69-41 et al., as amended, Texas Gas may not file a general rate increase which becomes effective, after statutory suspension, prior to March 1, 1972. The company says that despite the November 1, 1971 date on the tariff sheets, the proposed increased rate will not be made effective earlier than March 1, 1972, allowing for statutory suspension.

Texas Gas' filing consists of two alternate sets of revised tariff sheets, the first of which contains a proposed new section, to be included in the general terms and conditions of the tariff, providing for monthly billing adjustments to reflect current changes in Texas Gas' unit cost of purchased gas. Texas Gas requests that, if the Commission finds that the proposed purchased gas adjustment provision is prohibited by § 154.38(d) (3) of the Commission's regulations under the Natural Gas Act and does not waive the terms of that section for purposes of Texas Gas' filing the Commission accept for filing the alternate set of revised tariff sheets, which do not have reference to a purchased gas adjustment provision.

Texas Gas states that the principal reasons for the proposed rate increase are: (1) Increases in cost of gas purchased as a result of purchase of new supplies of gas under new higher priced contracts, as well as increases in the cost of gas under existing contracts; (2) costs related to transportation of gas by others for the delivery of new offshore gas supplies; (3) Advance payments related to purchase of potential supplies of gas; (4) An increase in depreciation rates; (5) Salary and wage increases and (6) The need for a 9.25 percent rate of return.

The reasonableness of including a purchased gas adjustment provision in Texas Gas' tariff has not been tested in any evidentiary proceeding. If accepted at this time, this provision would become operative after suspension. The purchased gas adjustment provision raises a number of substantive issues which should be fully explored and resolved before the rates and charges to Texas Gas' customers are subjected to changes by application of this proposed adjustment provision. Accordingly, we deem it inappropriate at this time to waive the provisions of § 154.38(d) (3) of the Commission's regulations under the Natural Gas Act to permit the filing of Texas Gas' set of revised tariff sheets containing a purchased gas adjustment provision. During the pendency of this proceeding, and prior to the determination of this issue, however, Texas Gas will not be precluded from requesting permission to track supplier rate increases which increase the purchased gas costs filed by Texas Gas in this proceeding.

Review of the filing indicates that certain issues are raised which require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Texas Gas' FPC Gas Tariff, as proposed to be amended herein, and that the proposed alternate tariff sheets be suspended and the use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the provisions set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing commencing with a prehearing conference shall be held on February 23, 1972, at 10 a.m. e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW, Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Texas Gas' FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon, Texas Gas' proposed alternate revised tariff sheets are hereby suspended and the use thereof is deferred until April 1, 1972, or such later date as may be authorized under the Executive Order No. 11615, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Texas Gas' revised tariff sheets proposing a purchased gas adjustment provision are hereby rejected. These proposed tariff sheets may be made a part of the record herein, to be considered along with any modifications thereof or alternative provisions submitted by the parties or the Commission Staff, as a proposed purchased gas adjustment provision to be included in Texas Gas' tariff.

(D) At the hearing on February 23, 1972, Texas Gas' prepared testimony (Statement P), filed and served on October 18, 1971, together with its entire rate filing as submitted and served on October 1, 1971, be admitted to the record as Texas Gas' complete case-in-chief as provided by § 154.63(e) (1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding.

(E) Following the admission of Texas Gas' complete case-in-chief, the parties shall proceed to effectuate the intent and purpose of § 2.59 of the Commission's rules of practice and procedure and of this order, as set forth above.

(F) On or before February 16, 1972, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before March 1, 1972. Any rebuttal evidence by Texas Gas shall be served on or before March 16, 1972. Cross-examination of the evidence shall commence on March 29, 1972.

(G) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the

policies expressed in § 2.59 of the Commission's rules of practice and procedure.

This order does not relieve Texas Gas Transmission Corp. of any responsibility imposed by, and is expressly subject to, the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 789, as amended by Public Law 92-15, 85 Stat. 38), including such amendments as the Commission may require, and Executive Order No. 11615.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-16258 Filed 11-5-71; 8:48 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (3)), by American Bancorporation, Inc., which is a bank holding company located in St. Paul, Minn., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares (less directors' qualifying shares) of Lake City State Bank, Lake City, Minn.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Minneapolis.

Board of Governors of the Federal Reserve System, November 1, 1971.

[SEAL] **TYNAN SMITH,**
Secretary of the Board.
[FR Doc.71-16223 Filed 11-5-71;8:45 am]

BTNB CORP.

Proposed Acquisition of Cobbs, Allen & Hall Mortgage Company, Inc.

Notice of receipt of the application of BTNB Corp., Birmingham, Ala., a registered bank holding company, for permission to acquire voting shares of Cobbs, Allen & Hall Mortgage Co., Inc., Birmingham, Ala., was published in the FEDERAL REGISTER on August 4, 1971 (36 F.R. 14357).

Applicant has notified the Board of its intent, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)), and § 222.4(b) (2) of the Board's Regulation Y, to republish its notice to clarify that, in addition to mortgage lending, it proposes to engage in the following activities: (1) group accident and health insurance, group credit life insurance, and group fire and casualty insurance, all as agent in connection with the mortgage lending activities of Cobbs, Allen & Hall Mortgage Co., Inc., and (2) to a limited extent in property management of the kinds described in the Board's regulatory proposal relating to that line of activity (36 F.R. 18427).

Any comments on the insurance and property management aspects of the proposed acquisition should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 23, 1971.

Board of Governors of the Federal Reserve System, November 1, 1971.

[SEAL] **TYNAN SMITH,**
Secretary of the Board.
[FR Doc.71-16229 Filed 11-5-71;8:45 am]

CARLTON AGENCY, INC.

Proposed Acquisition of First National Bank Insurance Agency

Carlton Agency, Inc., Carlton, Minn., a proposed bank holding company, has applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 22.4(b) (2) of the Board's Regulation Y, for permission to acquire voting shares of First National Bank Insurance Agency, Carlton, Minn. Notice of the application was published on September 30, 1971, in the Pine Knot-News Graphic, a newspaper circulated in Carlton, Minn.

The proposed subsidiary would perform the activity of a general insurance agency in a community that has a population of less than 5,000. Such activity has been specified by the Board in § 222.4(a) of Regulation Y as permissible for bank holding companies, subject to

Board approval of individual proposals in accordance with the procedures of § 222.4(b).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 1, 1971.

Board of Governors of the Federal Reserve System, November 1, 1971.

[SEAL] **TYNAN SMITH,**
Secretary of the Board.

[FR Doc.71-16230 Filed 11-5-71;8:46 am]

JACOB SCHMIDT CO.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a) (3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a) (3)), by Jacob Schmidt Co., which is a bank holding company located in St. Paul, Minn., for prior approval by the Board of Governors of the acquisition by applicant of 100 percent of the voting shares (less directors' qualifying shares) of Lake City State Bank, Lake City, Minn.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Minneapolis.

Board of Governors of the Federal Reserve System, November 1, 1971.

[SEAL] **TYNAN SMITH,**
Secretary of the Board.
[FR Doc.71-16231 Filed 11-5-71;8:46 am]

NATIONAL COMMISSION ON STATE WORKMEN'S COM- PENSATION LAWS

STATE WORKMEN'S COMPENSATION LAWS

Preliminary Notice of Public Hearing

The National Commission on State Workmen's Compensation Laws plans to hold a public hearing in Washington, D.C., during the week of January 24, 1972. To assist the Commission in scheduling sufficient time for all interested individuals and organizations to be heard, the Commission invites all persons, who would plan to make an oral presentation at this hearing, to inform the Commission of their interest.

Communications may be addressed to the Chairman, National Commission on State Workmen's Compensation Laws, 1825 K Street NW., Washington, DC 20006, and should state, where possible, the subject matter to be discussed and the approximate length of time required for the presentation. Based on the response to this request the Commission will publish an official announcement of the dates and place of the hearing in the early part of December 1971.

The Commission has published official announcements of public hearings to be held in San Francisco, November 15-17, in Dallas, November 29 and 30, and in Washington, D.C., December 13. An announcement of a public hearing to be held in Atlanta on January 10 and 11 will be published shortly.

Signed at Washington, D.C., this 3d day of November 1971.

JOHN F. BURTON, Jr.,
Chairman.

[FR Doc.71-16249 Filed 11-5-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 854
(Class B)]

COLORADO

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of October 1971, because of the effects of certain disasters damage resulted to residences and business property located in Colorado;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the town of Wray, Colo., suffered damage or destruction resulting from a tornado occurring on October 17, 1971.

OFFICE

Small Business Administration Regional Office, 721 19th Street, Room 426A, Denver, CO 80202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1972.

Dated: October 26, 1971.

A. H. SINGER,
Associate Administrator for
Operations and Investment.

[FR Doc.71-16261 Filed 11-5-71;8:48 am]

[Declaration of Disaster Loan Area 853
(Class B)]

KANSAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of October 1971, because of the effects of certain disasters, damage resulted to business property located in the State of Kansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of

the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Cherryvale, Kans., suffered damage or destruction resulting from fire on October 10, 1971.

OFFICE

Small Business Administration Regional Office, 911 Walnut Street, Kansas City, MO 64106.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1972.

Dated: October 26, 1971.

A. H. SINGER,
Associate Administrator for
Operations and Investment.

[FR Doc.71-16262 Filed 11-5-71;8:48 am]

[Declaration of Disaster Loan Area 852
(Class B)]

MONTANA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of October 1971, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Montana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the town of Harrison, Mont., suffered damage or destruction resulting from a fire occurring on October 5, 1971.

OFFICE

Small Business Administration District Office, Corner Main and Sixth Avenue, Helena, MT 59601.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1972.

Dated: October 26, 1971.

A. H. SINGER,
Associate Administrator for
Operations and Investment.

[FR Doc.71-16263 Filed 11-5-71;8:48 am]

[Declaration of Disaster Loan Area 855
(Class B)]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of October 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the office below-indicated from persons or firms whose property situated in Dallas and Tarrant Counties, Tex., and adjacent areas suffered damage or destruction resulting from floods and tornadoes occurring on October 19, 1971.

OFFICE

Small Business Administration Regional Office, 1100 Commerce Street, Dallas TX 75202.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1972.

Dated: October 26, 1971.

A. H. SINGER,
Associate Administrator for
Operations and Investment.

[FR Doc.71-16264 Filed 11-5-71;8:48 am]

[Declaration of Disaster Loan Area 856
(Class B)]

VIRGINIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of October 1971, because of the effects of a certain disaster, damage resulted to business property located in the town of Onley, Va.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Associate Administrator for Operations and Investment of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Onley, Va., suffered damage or destruction resulting from a fire occurring on October 19, 1971.

OFFICE

Small Business Administration District Office, Federal Building, Room 3015, 400 North Eighth Street, Richmond, VA 23240.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to April 30, 1972.

Dated: October 26, 1971.

A. H. SINGER,
Associate Administrator for
Operations and Investment.

[FR Doc.71-16265 Filed 11-5-71;8:48 am]

DEPARTMENT OF LABOR

Manpower Administration EMERGENCY EMPLOYMENT ASSISTANCE

Notice of Determinations of Allocations

Listed below as required by sections 6(d) and 9(c) of the Emergency Employment Act of 1971, are the amounts which the Secretary of Labor has allocated for the employment of eligible unemployed and underemployed resident members of Indian tribes on Federal or State reservations.

The total funds amount to \$8,420,000 and include \$3,420,000 under section 9 (a) (1) of the Act, \$1,829,600 under section 6 of the Act, and \$3,170,400 from the Secretary's discretionary fund under section 9(a) (2) of the Act. Of the total allocated \$7,043,600 represents the distribution to 106 tribes. The balance of the funds will be distributed at a later date for Indian tribes not listed herein.

Funds will be made available to intertribal councils and to organizations of Indians that will act as the Department's Program Agents. Two tribes have designated the State of Colorado as their Program Agent. The money has been apportioned among the Program Agents for distribution to eligible reservations within the jurisdiction of the Program Agent in proportion to the total Indian population of each reservation.

Allocation (in thousands)

Arizona, Indian Development District of:	
Ak-Chin.....	\$5.3
Camp Verde.....	14.0
Colorado River.....	38.5
Fort Apache.....	135.0
Fort McDowell.....	7.6
Fort Mohave.....	11.8
Fort Yuma.....	27.7
Gila River.....	174.2
Havasupai.....	5.0

	Allocation (in thousands)
Hopi.....	\$135.5
Hualapai.....	23.7
Papago.....	143.3
Salt River.....	52.6
San Carlos.....	107.8
Cocopah.....	
Kaibab.....	6.3
Yavapai.....	

Subtotal.....	888.3
Program Agent Administration.....	79.4

Total.....	967.7
Colorado, State of:	
Southern Ute.....	13.8
Ute Mountain.....	26.4

Subtotal.....	40.2
Program Agent Administration.....	3.6

Total.....	43.8
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Great Lakes Intertribal Council (Wisconsin):	
Bad River.....	9.7
Lac Courte Oreilles.....	19.8
Lac du Flambeau.....	18.5
Red Cliff.....	6.9
St. Croix.....	6.7
Oneida.....	38.5
Potawatomi.....	5.3
Stockbridge-Munsee.....	10.6
Winnebago.....	30.7

Subtotal.....	146.7
Program Agent Administration.....	13.1

Total.....	159.8
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Michigan Indians, Intertribal Council of (Michigan):	
Bay Mills.....	7.0
Isabella.....	5.7
L'Anse.....	10.0

Subtotal.....	22.7
Program Agent Administration.....	2.0

Total.....	24.7
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Minnesota Council of Chippewas:	
Fond du Lac.....	17.2
Leech Lake.....	64.5
Mille Lacs.....	19.1
Nett Lake.....	15.5
Red Lake.....	63.1
White Earth.....	60.0

Grand Portage	
Lower Sioux.....	
Prairie Island.....	11.8
Prior Lake.....	
Upper Sioux.....	

Subtotal.....	251.2
Program Agent Administration.....	22.4

Total.....	273.6
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Montana, Intertribal Policy Board of (Montana/Wyoming):	
Blackfeet.....	143.5
Crow.....	88.6
Flathead.....	52.7
Fort Belknap.....	39.0
Fort Peck.....	138.4
Northern Cheyenne.....	57.4
Rocky Boy's.....	34.8
Wind River.....	93.7

Subtotal.....	648.1
Program Agent Administration.....	57.9

Total.....	706.0
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	Allocation (in thousands)
Navajo Reservation (Parts of Arizona, New Mexico, and Utah):	
Navajo.....	\$2,765.0

Subtotal.....	2,765.0
Program Agent Administration.....	246.3

Total.....	3,003.3
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Nebraska Indian Industrial Development Office:

Omaha.....	31.5
Santee.....	5.0
Winnebago.....	17.2

Subtotal.....	54.3
Program Agent Administration.....	4.0

Total.....	59.2
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Nevada Community Action Agency, Intertribal Council of:

Duck Valley.....	22.8
Fallon Colony and Reservation.....	7.6
Fort McDermitt.....	8.1
Pyramid Lake.....	20.7
Reno-Sparks.....	12.3
Walker River.....	8.7

Battle Mountain Colony	
Carson Colony	
Dresslerville Colony	
Duckwater	
Elko Colony	
Ely Colony	
Goshute	
Las Vegas Colony	
Lovelock Colony	
Moapa	35.0
Nevada Public Domain	
Ruby Valley	
South Fork	
Summit Lake	
Winnemucca Colony	
Yerington Reservation and Colony	
Yomba	

Subtotal.....	115.8
Program Agent Administration.....	10.3

Total.....	126.1
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Osage Reservation Reservation (Oklahoma):

Osage.....	73.0
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Subtotal.....	73.0
Program Agent Administration.....	6.0

Total.....	80.3
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Passamaquoddy Community Action Agency (Maine):

Penobscot.....	9.3
Pleasant Point and Peter Dana Point.....	13.0

Subtotal.....	22.3
Program Agent Administration.....	2.0

Total.....	24.3
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Seneca Nation (New York):

Allegany.....	27.7
Cattaraugus.....	55.3
Onondaga.....	35.7
St. Regis Mohawk.....	50.7
Tonawanda.....	19.5

	Allocation (in thousands)
Tuscarora	\$15.0
Subtotal	197.9
Program Agent Administration	17.7
Total	215.6
South Dakota, United Sioux of (North Dakota/South Dakota):	
Cheyenne River	95.2
Crow Creek	26.5
Fort Berthold	61.8
Fort Totten	40.3
Lower Brule	13.4
Pine Ridge	257.2
Rosebud	165.6
Sisseton	44.7
Standing Rock	108.7
Turtle Mountain	162.3
Yankton	28.8
Subtotal	1,004.5
Program Agent Administration	89.7
Total	1,094.2
Southeastern Tribes, United (Flor- ida, Louisiana, Mississippi, North Carolina):	
Big Cypress	7.3
Brighton	6.3
Cherokee	107.0
Chitimacha	6.0
Choctaw	73.4
Hollywood	8.5
Catawba }	5.7
Miccosukee }	
Subtotal	214.2
Program Agent Administration	19.1
Total	233.3
Utah and Ouray (Utah):	
Utah and Ouray	29.4
Subtotal	29.4
Program Agent Administration	2.6
Total	32.0
Grand total	7,043.6

Note: This represents approximately 84 percent of the total allocation for Indians on Federal and State reservations. The remainder will be allocated at a later date for Indian tribes not listed herein.

Signed at Washington, D.C. this 1st day of November 1971.

MALCOLM R. LOVELL, Jr.,
Assistant Secretary
of Labor for Manpower.

[FR Doc.71-16206 Filed 11-5-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

NOVEMBER 1, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as

presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction:

MC 11207 (Sub 309) Deaton, Inc., assigned for hearing on December 13, 1971, instead of December 3, 1971, at Atlanta, Ga., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-16276 Filed 11-5-71;8:49 am]

ASSIGNMENT OF HEARINGS

NOVEMBER 3, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 115841 Sub 386, Colonial Refrigerated Transportation, Inc., now being assigned hearing on January 10, 1972, at Omaha, Nebr., in a hearing room to be later designated.

MC 115841 Sub 387, Colonial Refrigerated Transportation, Inc., now being assigned hearing on January 17, 1972, at Omaha, Nebr., in a hearing room to be later designated.

MC 128879 Sub 16, C-B Truck Lines, Inc., now assigned January 10, 1972, at Santa Fe, N. Mex., in a hearing room to be later designated.

MC 128879 Sub 18, C-B Truck Lines, Inc., now assigned January 10, 1972, at Santa Fe, N. Mex., in a hearing room to be later designated.

MC 114191 Sub 161, Kreider Truck Service, now assigned January 10, 1972, at St. Louis, Mo., hearing room to be designated later.

MC 118959 Sub 90, Jerry Lipps, now assigned January 11, 1972, at St. Louis, Mo., hearing room to be designated later.

MC 128273 Sub 68, Midwestern Express, now assigned January 12, 1972, at St. Louis, Mo., hearing room to be designated later.

MC-F-10863, L. A. Tucker Truck Lines-Investigation of Control—Sam Tanksley Trucking, now assigned January 17, 1972, at St. Louis, Mo., a hearing room to be designated later.

MC 73165 Sub 299, Eagle Motor Lines, Inc., assigned January 12, 1972, at Chicago, Ill., along with MC 111545 Sub 157, Home Transportation Co., Inc., MC 115162 Sub 219, Poole Truck Line, Inc., and MC 123407 Sub 80, Sawyer Transport, Inc.

MC 119669 Sub 21, Tempco Transportation, Inc., assigned January 14, 1972, at Chicago, Ill.

MC 123048 Sub 188, Diamond Transportation System, Inc., assigned January 13, 1972, at Chicago, Ill.

MC 123639 Sub 132, J. B. Montgomery, Inc., assigned January 10, 1972, at Chicago, Ill.

MC 125777 Sub 133, Jack Gray Transport, Inc., assigned January 19, 1972, at Chicago, Ill.

MC 135334, Lillian Koppel, doing business as USA Driveaway, assigned January 17, 1972, at Chicago, Ill.

MC 135395 Sub 1, Warehouse & Terminal Cartage Co., assigned January 11, 1972, at Chicago, Ill.

MC 135529 Sub 2, Cook Transports, Inc., assigned January 24, 1972, at Indianapolis, Ind., in a hearing room to be later designated.

MC 151 Sub 45, Lovelace Truck Service, Inc., assigned January 10, 1972, at Indianapolis, Ind., in a hearing room to be later designated.

No. 35435 Sub 6, TOFC Rates, Between the South and IFA Territory, now assigned hearing January 10, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 9644 Sub 1, B. T. L., Inc., assigned November 8, 1971, cancelled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-16275 Filed 11-5-71;8:49 am]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 3, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42294—Soda ash from points in Wyoming. Filed by Western Trunk Line Committee, agent (No. A-2650), for interested rail carriers. Rates on soda ash, in bulk, in hopper cars, as described in the application, from Alchem, Stauffer, and Westvaco, Wyo., to Decatur and Kankakee, Ill.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 391 to Western Trunk Line Committee, agent, tariff ICC A-4411. Rates are published to become effective on December 10, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-16274 Filed 11-5-71;8:49 am]

[Notice 390]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 2, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER

publication, within 15 calendar days after the date of notice of the filing of the application is published in the **FEDERAL REGISTER**. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 70083 (Sub-No. 20 TA), filed October 26, 1971. Applicant: **DRAKE MOTOR LINES, INC.**, 20 Olney Avenue, Cherry Hill, NJ 08034. Applicant's representative: Joseph W. Watson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except explosives and inflammable commodities), moving on a through air bill of lading of direct air carrier or air freight forwarders, between New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y.; Newark, N.J., and points in Hunterdon, Mercer, Middlesex, Burlington, Camden, Gloucester, Salem, Somerset, Morris, Passaic, Bergen, Monmouth, Essex, and Union Counties, N.J.; Philadelphia, Pa., and points in Bucks, Montgomery, Chester, and Delaware Counties, Pa., Wilmington, Del., points in Fairfield County, Conn., Boston, Mass., and points in Middlesex, Plymouth, Essex, Bristol, Suffolk, and Norfolk Counties, Mass., and Providence, R.I., and points in Providence County, R.I., on the one hand, and, on the other, Chicago, Ill., and points in Will, Kankakee, Cook, Kendall, Kane, Du Page, Lake, and McHenry Counties, Ill., and points in Lake and Porter Counties, Ind., for 180 days. Supporting shipper: Shulman Air Freight, Inc., 20 Olney Avenue, Cherry Hill, NJ 08034. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 88594 (Sub-No. 22 TA), filed October 20, 1971. Applicant: **CARLETON G. WHITAKER, INC.**, Post Office Box 93, Route 17, Exit 84, Deposit, NY 13754. Applicant's representative: Martin Werner, 2 West 45th Street, New York NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, in vehicles equipped with mechanical refrigeration, from Wayne Township, N.J., to Vestal and Syracuse, N.Y., for 180 days. Supporting shipper: Drake Bakeries, Borden Foods Division, 21-30 44th Avenue, Long Island City, NY 11101. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518

New Federal Building, Albany, N.Y. 12207.

No. MC 109708 (Sub-No. 54 TA), filed October 26, 1971. Applicant: **INDIAN RIVER TRANSPORT CO.**, doing business as, **INDIAN RIVER TRANSPORT, INC.**, Post Office Box 1749, Fort Pierce, FL 33450. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cider stock*, in bulk, in tank vehicles, from North Rose, N.Y., to St. Paul, Minn., Kansas City, and Marionville, Mo., and Paris, Tex., for 180 days. Supporting shipper: Speas Co., 2400 Nicholson Avenue, Kansas City, MO 64120. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 119399 (Sub-No. 30 TA), filed October 26, 1971. Applicant: **CONTRACT FREIGHTERS, INC.**, 2900 Davis Boulevard, Post Office Box 1375, Joplin, MO 64801. Applicant's representative: David L. Sifton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, 1 gallon or less capacity, from Jonesboro, Ark., to points in Illinois, Indiana, Kansas, Kentucky, Louisiana, Missouri, Oklahoma, Tennessee, and Texas, for 180 days. Supporting shippers: Arkansas Glass Container Corp., 516 West Johnson, Jonesboro, AR 72401; Underwood & Associates, Post Office Box 16007, Memphis, TN 38116. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 126291 (Sub-No. 18 TA), filed October 20, 1971. Applicant: **QUIRION TRANSPORT, INC.**, La Guadeloupe (Frontenac), PQ, Canada. Applicant's representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper, waste cardboard, waste corrugated, and rags*, from points in Massachusetts to ports of entry on the international boundary lines between the United States and Canada located at or near Jackman and Coburn Gore, Maine, restricted to traffic destined to points in Frontenac County, PQ, Canada, for 180 days. Supporting shipper: Exodus Enterprises Inc., 4516 Laval Street, Lac-Mégantic, PQ, Canada. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 127892 (Sub-No. 1 TA), filed October 26, 1971. Applicant: **DONALD E. HIRTLE TRANSPORT, LIMITED**, Blockhouse, NS, Canada. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a

common carrier, by motor vehicle, over irregular routes, transporting: (a) *Bananas, and fresh fruit, and vegetables* when moving in the same vehicle with bananas, from Chelsea, Mass., to ports of entry on the United States-Canada boundary line located at or near Calais and Houlton, Maine and (b) *fresh and processed fish* from ports of entry on the United States-Canada boundary line at or near Calais and Houlton, Maine to Boston, and Gloucester, Mass., New York, N.Y., Jersey City, N.J., and Philadelphia, Pa., for 180 days. Supporting shippers: Cutter Brokerage, Inc., 215 Williams Street, Chelsea, MA; National Seaproducts, Ltd., Post Office Box 2130, Scotia Square Towers, Halifax, NS, Canada. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, ME 04112.

No. MC 128007 (Sub-No. 36 TA), filed October 26, 1971. Applicant: **HOFFER, INC.**, Post Office Box 583 (4032 Parkview Drive), Pittsburg, KS 66762. Applicant's representative: John Jandera, 641 Harrison, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from the plant and warehouse facilities of Farmland Industries, Inc., and/or Farmers Chemical Co., located in Jasper County, Mo., to points in New Mexico, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Arkansas, Louisiana, Wisconsin, Illinois, Kentucky, Tennessee, and Indiana, restricted however to traffic originating at the plant and warehouse facilities of Farmland Industries, Inc., and/or Farmers Chemical Co., in Jasper County, Mo., for 180 days. Supporting shipper: Farmland Industries, Inc., 3315 North Oak Street, Kansas City, MO. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128375 (Sub-No. 71 TA), filed October 19, 1971. Applicant: **CRETE CARRIER CORPORATION**, Box 249, 1444 Main, Crete, NE 68333. Applicant's representative: Howard C. Peterson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco and tobacco products and related items*, from Durham, N.C., to points in Iowa, Minnesota, Missouri, Wisconsin, and El Paso, Tex., except redried tobacco to points in Missouri, for 180 days. Supporting shipper: R. C. Hendricks, Distribution Manager, Liggett & Myers, Inc., Post Office Box 3868, Durham, NC 27702. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 134308 (Sub-No. 4 TA), filed October 26, 1971. Applicant: **CADD OX-PRESS, INC.**, 1016 Southwest Second,

Oklahoma City, OK 73125. Applicant's representative: David D. Brunson, 419 Northwest Sixth Street, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Richards Spur, Okla., and Wichita Falls, Tex., from Richards Spur, Okla., over U.S. Highway 281 to Wichita Falls, Tex., and return over the same route serving all intermediate points, for 180 days. *NOTE:* Authority will be tacked with applicant's regular route operations at Richards Spur, Okla. Supported by: There are approximately 14 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 135095 (Sub-No. 1 TA), filed October 26, 1971. Applicant: SUDDATH OF SAVANNAH, INC., 5003 Liberty Parkway, Post Office Box 1885, Savannah, GA 31405. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods, unaccompanied baggage and personal effects*, between points in Bryan, Bulloch, Candler, Chatham, Effingham, Evans, Liberty, Long, Tattnall, and Toombs Counties, Ga., restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of Defense, Washington, D.C. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 135488 (Sub-No. 2 TA), filed October 26, 1971. Applicant: RICHARD CARLTON, doing business as DICK CARLTON TRUCKING, 11693 Main Road, Akron, NY 14001, 257 West Royal Parkway, Williamsville, NY 14221. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, such as nondairy coffee cream and nondairy whipping cream*, from Fredonia, N.Y., to points in Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Car-

olina, South Dakota, Texas, and Wilmington, Del., and from North Abington, Mass., to points in Connecticut, Maine, Maryland, New Hampshire, New Jersey, Rhode Island, and New York, N.Y., Philadelphia, Pa., and Wilmington, Del., for 180 days. Supporting shipper: Mitchell Foods, Inc., Fredonia, N.Y. 14063. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 135786 (Sub-No. 1 TA), filed October 21, 1971. Applicant: NORRIS E. BASS, doing business as N. E. BASS, 9223 Timberlake Road, Lynchburg, VA 24502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Altavista and Rocky Mount, Va., to points in Arizona, California, Nevada, and Utah, for 150 days. Supporting shipper: The Lane Co., Altavista, Va. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, VA 24011.

No. MC 136055 (Sub-No. 1 TA), filed October 19, 1971. Applicant: THEO KELLY, doing business as HODGEN BUTANE COMPANY, Post Office Box 7, Hodgen, OK 74939. Applicant's representative: Don A. Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, crushed stone, and coated aggregates*, between points in Crawford, Sebastian, Scott, and Polk Counties, Ark., and Le Flore, Latimer, Sequoyah, Pushmataha, McCurtain, Adair, and Haskell Counties, Okla., for 180 days. Supporting shipper: J. O. B. Construction Co., Sulphur, Okla. Send protests to: William H. Land, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 136101 TA, filed October 22, 1971. Applicant: J. M. LECLAIRE CO., INC., Post Office Box 272, Oconomowoc, WI 53066. Applicant's representative: Ruth C. Lembcke (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and related cheese products*, from Mayville, Wis., to Chicago, Ill., for 180 days. Supporting shipper: Red Rooster Cheese Co., Inc., 331 South Main Street, Mayville, Wis. 53050 (Joseph Hauptert, Controller). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

MOTOR CARRIER OF PASSENGERS

No. MC 136094 TA, filed October 20, 1971. Applicant: WILLIAM A. OLSEN, doing business as BRANDYWINE LIMOUSINE, 34 Montpelier Boulevard, New Castle, DE 19720. Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations limited to transportation of not more than seven passengers, not including the driver, not children under the age of 10 years, when not occupying a single seat, in any one vehicle, between New Castle, Del., on the one hand, and, on the other, John F. Kennedy International Airport, Jamaica, Long Island, N.Y., Friendship Airport, Anne Arundel County, Md., New York, N.Y., Philadelphia, Pa., Baltimore, Md., and Washington, D.C., for 180 days. Supporting shippers: The American Legion Department, of Delaware, Post Office Box 1965, Wilmington, DE 19899; Brandywine Travel, Inc., 1601 Concord Pike, Independence Mall, Wilmington, DE 19803; Marshall & Greenplate Travel Associates, Inc., 1003 West Street, Wilmington, DE 19801; Ed R. Markowitz, 18 Pendelton Court, New Castle, DE 19720; John J. Reynolds, 212 Spruceglen Drive, Meadowwood, Newark, DE 19711; George A. Walker, 26 South Independence Boulevard, Jefferson Farms, New Castle, DE 19720. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, Pa. 19102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-16271 Filed 11-5-71;8:49 am]

[Notice 777]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 3, 1971.

Synopses of orders entered pursuant to Section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35442. By order of October 29, 1971, the Motor Carrier Board approved the lease to Stuart Express Co., Inc., New York, N.Y., of the operating rights in certificate No. MC-37292 issued April 25, 1950, to Direct Delivery Service, Inc., New York, N.Y., authorizing the transportation of Ready-made garments and piece goods between New York, N.Y., on the one hand, and, on the other, Elizabeth, Newark, and Paterson, N.J., Jerome G. Greenspan, 404 Clarendon Road, Uniondale, NY 11553 attorney for transferee.

No. MC-FC-73262. By order of October 29, 1971, the Motor Carrier Board approved the transfer to Lynn Towing, Inc., St. Louis, Mo., of the operating rights in certificate No. MC-96093 issued April 7, 1965 to Metropolitan Towing Co., a corporation, St. Louis, Mo., authorizing the transportation of abandoned, wrecked, disabled, or repossessed motor vehicles, by towaway method, between points in Missouri in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, on the one hand, and, on the other, points in Illinois, Kansas, Ohio, Indiana, Tennessee, Arkansas, Kentucky, and Iowa, within 350 miles of St. Louis, Mo., Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-16272 Filed 11-5-71;8:49 am]

[Notice 777-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 3, 1971.

Application filed temporary authority under section 210(a) (b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-FC-73262. By application filed November 1, 1971, LYNN TOWING, INC., 1125 Montgomery, St. Louis, MO 63107, seeks temporary authority to lease the operating rights of METROPOLITAN TOWING COMPANY, 3916 Duncan, St. Louis, MO 63110, under section 210a(b). The transfer to LYNN TOWING, INC., of the operating rights of METROPOLITAN TOWING COMPANY, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-16273 Filed 11-5-71;8:49 am]

RESTRICTIVE AMENDMENTS IN CASES ASSIGNED FOR ORAL HEARING

Procedures

The Interstate Commerce Commission is revising its procedures for handling restrictive amendments in operating authority application cases assigned for oral hearing. The effective date of the change has been set for January 3, 1972.

As of that date, all notices in the FEDERAL REGISTER pertaining to applications for operating authority involving motor carriers, brokers, water carriers and freight forwarders will contain the following statement:

Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Subsequently, when the date for hearing is published in the FEDERAL REGISTER,

the notice will also contain the following statement:

No amendments will be entertained after the date of this publication.

The purpose of the revisions is to require parties to application cases to agree on all amendments promptly and thereby reduce the case to the real issues before the proceeding is assigned for hearing.

In the past, the Commission has experienced difficulty in estimating the time to be allowed for oral hearing due to the tendency of some parties to postpone until the last minute agreement upon amendments which eliminate the interest of protestants. Even in instances where agreements are reached before the actual date of hearing, they often come too late for any change in case assignments and this, in turn, leaves the hearing examiner with open days on his schedule.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-16270 Filed 11-5-71;8:50 am]

[No. MC-28572 (Sub-No. 2)]

BURLINGTON NORTHERN INC.

Request for Revocation of Certificate

Present: Rupert L. Murphy, Commissioner to whom the matter which is the subject of this order has been assigned for action thereon.

It appearing, that applicant holds certificate No. MC-28572 (Sub-No. 2), authorizing the transportation of passengers from and to the points and in the manner set forth below;

It further appearing, that by request dated May 25, 1971, applicant asks that the said certificate be revoked for the reason that the operations conducted thereunder are no longer profitable;

It further appearing, that the said request for revocation properly may not be given consideration until such time as the affected members of the public have been given notice thereof and an opportunity to express their positions thereon; and good cause appearing therefor:

It is ordered, That within 30 days of the service date of this order, applicant shall submit to this Commission written proof that notice of the proposed discontinuance of service together with a facsimile of this order (a) has been posted for 7 consecutive days in any bus presently operated over the routes sought to be abandoned, and (b) has been published for 6 consecutive days in newspapers of general circulation in Whitefish, Kalispell, Great Falls, Harve, Scobey, and Plentywood, Mont., and Williston, N. Dak.

It is further ordered, That within 45 days of the service date of this order any person-in-interest may submit to this Commission its written statement, verified under oath, as to why it believes that certificate No. MC-28572 (Sub-No. 2), should not be revoked.

It is further ordered, That further consideration of this matter be, and it is hereby, deferred until expiration of

the time period for filing of written statements.

It is further ordered, That notice of the request for revocation and of this order be published in the FEDERAL REGISTER.

It is further ordered, That a copy of this order be served upon the North Dakota Public Service Commission and Montana Public Service Commission.

Dated at Washington, D.C., this 1st day of October 1971.

By the Commission, Commissioner Murphy.

[SEAL] ROBERT L. OSWALD,
Secretary.

Regular Routes:

Passengers and their baggage, and mail, newspapers, and express in the same vehicle with passengers, and baggage, mail, newspapers, and express in separate vehicles,

Between Whitefish, Mont., and Kalispell, Mont., serving no intermediate points:
From Whitefish over U.S. Highway 93 to Kalispell, and return over the same route.

Passengers and their baggage, and mail, newspapers, and express in the same or in a separate vehicle,

Between Great Falls, Mont., and Havre, Mont., and all intermediate points:

From Great Falls over U.S. Highway 87 to Havre, and return over the same route.

Restriction: The service authorized hereinabove is subject to the following conditions:

Carrier's service by motor vehicle shall be limited to the transportation of passengers, baggage, mail, newspapers, and express having a prior or subsequent movement by rail.

Carrier's service by motor vehicle shall be limited to service which is auxiliary to or supplemental of its rail service.

Carrier shall not render service by motor vehicle from or to any point other than a station on its rail lines.

Such further conditions as the Commission may find necessary to impose in order to insure that carrier's service by motor vehicle shall be auxiliary to, or supplemental of, its rail service.

Passengers and their baggage, and express and newspapers, in the same vehicle with passengers.

Between Williston, N. Dak., and Scobey, Mont., serving all intermediate points which are stations on the rail line of the Burlington Northern Inc., and serving the junction of Montana Highway 16 and unnumbered highway, near Homestead, Mont., and the junction of Montana Highway 16 and unnumbered highway, near Reserve, Mont., for purposes of joinder only with the routes described below:

From Williston over U.S. Highway 2 to Culbertson, Mont., thence over Montana Highway 16 to Plentywood, Mont., thence over Montana Highway 5 to junction Montana Highway 13, and thence over Montana Highway 13 to Scobey, and return over the same route.

Between junction Montana Highway 10 and unnumbered highway, and Homestead, Mont., serving no intermediate points:

From junction Montana Highway 16 and unnumbered highway over unnumbered highway to Homestead, and return over the same route.

Between junction Montana Highway 10 and unnumbered highway, and Reserve, Mont., serving no intermediate points:

From junction Montana Highway 16 and unnumbered highway over unnumbered highway to Reserve, and return over the same route.

[FR Doc.71-16277 Filed 11-5-71;8:40 am]

[Rev. S.O. 994; ICC Order 62]

CHESAPEAKE AND OHIO RAILWAY CO.**Rerouting or Diversion of Traffic**

In the opinion of Robert D. Pfahler, agent, The Chesapeake and Ohio Railway Co., being unable to transport traffic over its car ferries between its eastern car ferry terminal at Ludington, Mich., and its western car ferry terminals at Kewaunee, Manitowoc, and Milwaukee, Wis., because of its inability to obtain adequate supplies of coal as a result of prolonged work stoppages at bituminous coal mines.

It is ordered, That:

(a) The Chesapeake and Ohio Railway Co., being unable to transport traffic over its car ferries between its eastern car ferry terminal at Ludington, Mich., and its western car ferry terminals at Kewaunee, Manitowoc, and Milwaukee, Wis., because of its inability to obtain adequate supplies of coal as a result of prolonged work stoppages at bituminous coal mines, that line is hereby authorized to reroute and divert such traffic via any available route, to expedite the movement.

(b) *Concurrence of receiving road to be obtained.* The railroad diverting the traffic shall receive the concurrence of the lines over which the traffic is rerouted or diverted before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance

with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 9 a.m., November 2, 1971.

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 15, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 1, 1971.

INTERSTATE COMMERCE
COMMISSION,

[SEAL]

ROBERT D. PFAHLER,
Agent.

[FR Doc. 71-16269 Filed 11-5-71; 8:49 am]

[No. MC-84690 (Sub-Nos. 18, 20, 23)]

NORTHERN PACIFIC TRANSPORT CO.**Request for Revocation of Certificate**

Present: Rupert L. Murphy, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

It appearing, that applicant holds certificates No. MC-84690 (Sub-No. 18), No. MC-84690 (Sub-No. 20), and No. MC-84690 (Sub-No. 23), authorizing the transportation of passengers from and to the points and in the manner set forth below.

It further appearing, that by request dated May 25, 1971, applicant asks that the said certificates be revoked for the reason that the operations conducted thereunder are no longer profitable;

It further appearing, that the said request for revocations properly may not be given consideration until such time as the affected members of the public have been given notice thereof and an opportunity to express their positions thereon; and good cause appearing therefor:

It is ordered, That within 30 days of the service date of this order, applicant shall submit to this Commission written proof that notice of the proposed discontinuance of service together with a facsimile of this order (a) has been posted for 7 consecutive days in any bus presently operated over the routes sought to be abandoned, and (b) has been published for 6 consecutive days in news-

papers of general circulation in Bozeman, Butte, East Glacier Park, Gardiner, Garrison, Helena, Logan, Silver Gate, West Glacier, and West Yellowstone, Mont.

It is further ordered, That within 45 days of the service date of this order any person-in-interest may submit to this Commission its written statement, verified under oath, as to why it believes that any or all of the above-specified certificates should not be revoked.

It is further ordered, That further consideration of this matter be, and it is hereby, deferred until expiration of the time period for filing of written statements.

It is further ordered, That notice of the request for revocation and of this order be published in the FEDERAL REGISTER.

It is further ordered, That a copy of this order be served upon the Montana Public Service Commission.

Dated at Washington, D.C., this 1st day of October, 1971.

By the Commission, Commissioner Murphy.

[SEAL]

ROBERT L. OSWALD,
Secretary.

No. MC-84690 (Sub-No. 18)

Regular Routes:

Passengers and their baggage, and express and newspapers in the same vehicle with passengers.

Between Butte, Mont., and Garrison, Mont., serving all intermediate and off-route points which are stations on the rail line of the Northern Pacific Railway Co.:

From Butte over U.S. Highway 103 to Garrison, and return over the same route.

No. MC-84690 (Sub-No. 20)

Irregular Routes:

Passengers and their baggage, in round-trip charter operations, restricted to tour parties of passengers entering Glacier National Park via the Great Northern Railway, in seasonal operations between April 1 and September 30 of each year, both inclusive.

Beginning and ending at the West Glacier and East Glacier, Mont., entrances of Glacier National Park, Mont., and extending to the West Yellowstone, Gardiner, and Silver Gate, Mont., entrances of Yellowstone National Park, Wyo.

No. MC-84690 (Sub-No. 23)

Regular Routes:

Passengers and their baggage, and express and newspapers in the same vehicle, with passengers.

Between Bozeman and Logan, Mont., serving no intermediate points:

From Bozeman over Interstate Highway 90 to Logan, and return over the same route.

[FR Doc. 71-16278 Filed 11-5-71; 8:49 am]

CUMULATIVE LIST OF PARTS AFFECTED—NOVEMBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during November.

3 CFR	Page	14 CFR—Continued	Page	28 CFR	Page
PROCLAMATION:		27-----	21278	50-----	21028
4091-----	21329	29-----	21278	29 CFR	
EXECUTIVE ORDERS:		39-----	21279	55-----	21282, 21337
Nov. 9, 1871 (see PLO 5144)----	21036	65-----	21280	31 CFR	
July 2, 1910 (revoked in part		71-----	21029, 21030, 21182, 21280	405-----	21338
by PLO 5144)-----	21036	75-----	21030	32 CFR	
June 16, 1911 (revoked in part		97-----	21282	1-----	21120
by PLO 5144)-----	21036	103-----	21183	2-----	21128
Mar. 21, 1917 (revoked in part		241-----	20933	3-----	21128
by PLO 5144)-----	21036	PROPOSED RULES:		4-----	21131
Dec. 9, 1926 (see PLO 5144)----	21036	39-----	21064, 21210	5-----	21133
11627 (amended by EO 11630)----	21023	71-----	21064, 21065, 21211, 21293	6-----	21136
11630-----	21023	245-----	21361	7-----	21130
		1245-----	21068	8-----	21152
5 CFR		17 CFR		9-----	21152
213-----	20931	240-----	21178	10-----	21153
230-----	21180	249-----	21178	11-----	21153
7 CFR		19 CFR		12-----	21153
777-----	21256	1-----	21335	13-----	21159
796-----	21277	4-----	21025	14-----	21160
815-----	21277	16-----	21336	15-----	21161
907-----	21119	20 CFR		16-----	21167
908-----	21119	PROPOSED RULES:		17-----	21168
910-----	20932, 21331	404-----	21360	18-----	21168
912-----	21331	21 CFR		19-----	21169
913-----	21331	130-----	21026	22-----	21160
926-----	21025	135c-----	21184	24-----	21174
PROPOSED RULES:		135e-----	20938	25-----	21174
724-----	21208	135g-----	21186	26-----	21174
780-----	21291	146c-----	21186	30-----	21175
928-----	20980	146d-----	21188	45-----	21178
932-----	21059	146e-----	21188	61-----	21339
984-----	21291	148i-----	20938	65-----	21339
989-----	20981	308-----	21336	78-----	21339
1030-----	20981	420-----	21189, 21190	87-----	21178
1049-----	20981	PROPOSED RULES:		141-----	21339
1464-----	21209	27-----	20985	187-----	21339
8 CFR		31-----	20985	275-----	20944
214-----	21277	148i-----	20985	1467-----	21339
9 CFR		191 (2 documents)-----	20985, 20986	1806-----	21178
76-----	20932, 21181	311-----	21057	PROPOSED RULES:	
92-----	20932	312-----	21057	1600-----	21216
PROPOSED RULES:		22 CFR		1602-----	21072
11-----	21318	42-----	20939	1603-----	21072
113-----	21058	121-----	20939	1604-----	21072, 21216
318-----	20984	123-----	20940	1606-----	21216
12 CFR		124-----	20940	1609-----	21216
545-----	21025	125-----	20941	1611-----	21072
PROPOSED RULES:		126-----	20942	1613-----	21216
269-----	21212	201-----	21190	1617-----	21072, 21216
291-----	21212	24 CFR		1619-----	21216
545-----	21363	1914-----	20942	1621-----	21072, 21216
546-----	21066	1915-----	20943	1622-----	21072
563-----	21067	PROPOSED RULES:		1623-----	21072
13 CFR		1710-----	21043	1624-----	21072
120-----	21332	26 CFR		1625-----	21072
121-----	21183	1-----	20944	1626-----	21072
14 CFR		PROPOSED RULES:		1627-----	21072
23-----	21278	1-----	20980, 21057, 21206, 21207, 21291	1628-----	21072
25-----	21278	32A CFR		1630-----	21072
		Ch. X-----		1631-----	21072
				1632-----	21072
				1642-----	21072
				1655-----	21072
				1660-----	21072, 21204

33 CFR	Page	42 CFR	Page	47 CFR—Continued	Page
117	21359	PROPOSED RULES:		91	21200
208	21190	52	21292	93	21200
PROPOSED RULES:		73	21292	PROPOSED RULES:	
117	21063	43 CFR		73	21066, 21293
36 CFR		4	21284	74	20988
7	20945	24	21034	49 CFR	
38 CFR		3100	21035	171	21201
3	20945	PUBLIC LAND ORDERS:		172	21201, 21287
17	21030	5142	21195	173	21201, 21287, 21339, 21343
41 CFR		5143	21036	174	21201, 21202
9-4	21191	5144	21036	175	21201
14-1	20946	PROPOSED RULES:		177	21201, 21202
14-2	20947	25	21207	178	21202, 21287
14-3	20947	45 CFR		179	21339, 21343
14-6	20947	801	20949	566	20977
14-7	20947	46 CFR		571	21355
15-1	20947	2	21196	1033	21203
15-3	21192	146	21196, 21284	1056	21358
101-11	21031	47 CFR		PROPOSED RULES:	
101-26	21284	73	21197	173	21360
PROPOSED RULES:		81	20956	195	21211
101-17	21059	83	20970	566	20987
101-18	21059	85	20977	1047	21071
101-20	21059	89	21200	50 CFR	
				28	21203
				32	21203
				260	21037

LIST OF FEDERAL REGISTER PAGES AND DATES—NOVEMBER

Pages	Date
20925-21016	Nov. 2
21017-21112	3
21113-21270	4
21271-21321	5
21323-21391	6

